FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1363757-000

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Precedence: ROUTINE Date: 08/01/2003

To: Boston Attn: Public Corruption Squad

Washington Field Attn: Public Corruption Squad

From: Newark
Squad C-8
Contact: SA [redacted]

b6
b7C

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 194A-NK-109145 (Pending)

Title: CHARLES A. KUSHNER;
RICHARD STADTMAUER;
dba KUSHNER COMPANIES,
18 COLUMBIA TURNPIKE, FLORHAM PARK, NJ;
CSLPO - STATE LEVEL, MAIL FRAUD;
OO:NEWARK

GRAND JURY MATERIAL - DISSEMINATE PURSUANT TO RULE 6(e)

Synopsis: Electronic Communication to set lead to serve the enclosed subpoenas.

Enclosure(s): [redacted]

b3

Details: The captioned investigation involves Charles Kushner, who is the Chairman of Kushner Companies located in Florham Park, NJ. Kushner Companies is a real estate company that manages commercial and residential real estate holdings and develops housing and industrial areas. Kushner Companies' commercial and residential real estate holdings are made up of approximately 150 partnerships which own the properties. Charles Kushner is the designated general partner of all of the partnerships and exclusively controls the finances of each partnership. The limited partners who originally invested in the projects are made

up of family members, friends and outside investors.

Since approximately 1997, Kushner has donated millions of dollars to political parties and candidates by using the names of the limited partners. The investigation has determined that many of the limited partners had no knowledge that the political contributions were being made in their name. Kushner has also used the funds of the partnerships that he controls to make millions of dollars of charitable contributions. Most times the charitable contributions are made in Kushner's name, but are paid for with partnership funds.

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LEAD(s):

Set Lead 1: (Action)

WASHINGTON FIELD

AT WASHINGTON, D.C.

Set Lead 2: (Action)

BOSTON

AT BOSTON, MA

b3

Set Lead 3: (Action)

BOSTON

AT BOSTON, MA

Set Lead 4: (Action)

GRAND JURY MATERIAL - DISSEMINATE ONLY
PURSUANT TO RULE 6(e) FED.R.CRIM.P.

BOSTON

AT BOSTON, MA

[redacted] b3

GRAND JURY MATERIAL - DISSEMINATE ONLY
PURSUANT TO RULE 6(e) FED.R.CRIM.P.

FD-448 (Rev. 6-2-97)

FBI FACSIMILE

COVER SHEET

PRECEDENCE

- ☐ Immediate
- ☐ Priority
- ☒ Routine

CLASSIFICATION

- ☐ Top Secret
- ☐ Secret
- ☐ Confidential
- ☐ Sensitive
- ☒ Unclassified

Time Transmitted: _____
Sender's Initials: _____
Number of Pages: 3
(including cover sheet)

To: SEC
Name of Office

Date: 8/29/03

Facsimile Num

Attn:

From: FBI - Newark Division
Name of Office

b6
b7C
b7E

Subject: Letterhead memo for the release of records

Call if you have any questions

Special Handling Instructions:

Originator's Name: SA

Telephone:

Originator's Facsimile Number:

Approved:

Brief Description of Communication Faxed:

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194A-NK-109145-

U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

11 Centre Place
Newark, N.J. 07102
(973) 792-3000

August 29, 2003

b6
b7C

[redacted]
Securities and Exchange Commission
Washington, D.C.

RE: Charles A. Kushner;
ET AL; CSLPO;
OO: NK

Dear [redacted]

We request access to the investigative and other non-public files of the U.S. Securities and Exchange Commission (the "Commission") related to the captioned matter. This request is made in connection with an ongoing lawful investigation or official proceeding inquiring into a violation of, or failure to comply with, a criminal or civil statute or regulation, rule or order issued pursuant thereto, being conducted by the Federal Bureau of Investigation and the Internal Revenue Service.

We understand that the files in this matter contain "financial records" of "customers," as those terms are defined in the Right to Financial Privacy Act of 1978 {12 U.S.C. 3401-22}. We have reason to believe that that information is relevant to our investigation and/or proceeding.

We will establish and maintain such safeguards as are necessary and appropriate to protect the confidentiality of files to which access is granted and information derived therefrom. The files and information may, however, be used for the purpose of our investigation and/or proceeding, and any resulting proceedings. They also may be transferred to criminal law enforcement authorities and self-regulatory organizations subject to our oversight. We shall notify you of any such transfer and use our best efforts to obtain appropriate assurances of confidentiality.

Other than as set forth in the preceding paragraph, we will:

Make no public use of these files or information without prior approval of your staff;

Notify you of any legally enforceable demand for the files or information prior to complying with the demand, and assert such legal exemptions or privileges on your behalf as you many request and

Not grant any other demand or request for the files or information without prior notice to and lack of objection by your staff.

We recognize that until this matter has been closed, the Commission continues to have an interest and will take further investigatory or other steps as it considers necessary in the discharge of its duties and responsibilities.

Should you have any questions, please contact Special Agent [redacted]

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b7E

Sincerely,

Louie F. Allen
Special Agent in Charge

[redacted]

By: [redacted]
Supervisory Special Agent

********** -COMM. JOURN[redacted] ********** DATE AUG-29-[redacted]03 **** TIME 15:38 ********

MODE = TRANSMISSION START=AUG-29 15:35 END=AUG-29 15:38

FILE NO.=443

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-FBI NEWARK -

********** -FBI NEWARK - ***** - [redacted] *********

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 09/09/2003

On 09/05/03, a United States District Court, District of New Jersey, Grand Jury subpoena dated [redacted] b3 b6 b7C

[redacted]

[redacted]

Investigation on 09/05/03 at Washington D.C.

File # 194A-NK-109145-50 Date dictated

by [redacted] b6 b7C

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

[redacted]

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 09/10/2003

To: Newark **Attn:** [redacted]
Squad C-8

From: Washington Field
CR-15/NVRA
Contact: [redacted]

b6
b7C
b7E

Approved By [redacted]

Drafted By: [redacted]

Case ID #: 194A-NK-109145-51 (Pending)

Title: CHARLES A. KUSHNER;
ET AL;
CSLPO - STATE LEVEL;
MAIL FRAUD;
OO:NEWARK

Synopsis: Grand Jury subpoena served on [redacted]

Enclosure(s): One original and one copy of subpoena [redacted]

b3
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Details: The Grand Jury subpoena [redacted]

No further investigation was conducted.

[redacted]

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LEAD(s):

Set Lead 1: (Info)

NEWARK

AT NEWARK

For information.

♦♦

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 08/14/2003

To: Newark **Attn:** Squad C-8/SA [redacted]

From: BOSTON
C-1
Contact: [redacted] b6 b7C b7E

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 194A-NK-109145 (Pending)-52

Title: CHARLES A. KUSHNER;
RICHARD STADTMAUER;
dba KUSHNER COMPANIES,
18 COLUMBIA TURNPIKE, FLORHAM PARK, NJ;
CSLPO-STATE LEVEL, MAIL FRAUD;
00:NEWARK

Synopsis: Electronic communication to advise that subpoenas were served on [redacted] b3

Enclosure(s): 3 signed and served subpoenas.

Details: Enclosed please find 3 subpoenas served on [redacted] in the District of Massachusetts.

♦♦

lead covered 8/8/03

[redacted] b6 b7C

194A-NK-109145-52

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 09/29/2003

To: Newark

From: Newark
C-8
Contact: SA [redacted] b6 b7C b7E

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 194A-NK-109145 (Pending)-53

Title: CHARLES A. KUSHNER;
ET AL;
CSLPO- State Level, MAIL FRAUD;
OO:NEWARK

Synopsis: EC documenting the status of the Charles Kushner vs. [redacted] civil lawsuit.

Details: The writer has obtained information from two separate individuals who advised that Charles Kushner and [redacted] have reached a settlement in their civil lawsuit. b6 b7C

[redacted]

♦♦

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194A-NK-109145-53

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY **Date:** 12/18/2003

To: Investigative Technology **Attn:** Act. Unit Chief [redacted]
Crypographic and Electronic
Analysis Unit

Attn: [redacted]

From: Newark
Squad C-8
Contact: SA [redacted]

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b7E

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 194A-NK-109145 57 (Pending)

Title: CHARLES A. KUSHNER;
ET AL;
CSLPO - State Level, Mail Fraud;
OO:NEWARK

Synopsis: Electronic Communication requesting assistance in conducting an examination of a Blackberry personal device.

Enclosure(s): 1.) 1 Blackberry personal storage device, model 6510 - Nextel
Identified as 1B9
2.) 1 copy of consent to search signed by Blackberry owner [redacted] on 12/17/2003

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Details: On 12/17/2003 a search warrant was executed at [redacted] related to a financial and tax investigation. A Blackberry 6510 was found and a supplemental search warrant was in the process of getting obtained when [redacted] gave the FBI consent to search the Blackberry and the contents. A copy of the consent to search is enclosed.

[redacted] Newark requests that the Blackberry be analyzed as soon as possible for all active and deleted e-mail and any diaries, telephone lists or any other data stored on the device.

55 b6 b7C

194A-NK-109145 [redacted]

LEAD(s):

Set Lead 1: (Action)

INVESTIGATIVE TECHNOLOGY

AT QUANTICO, VA

Will conduct an examination of the enclosed Blackberry 6510 Nextel personal device. Review the device for all active and deleted information to include e-mail, telephone records, appointments, calandars, phone contacts, and other phone features like last numbers called etc. and provide Newark with the ability to review the Blackberry contents.

♦♦

FD-448 (Rev. 6-2-97)

FBI FACSIMILE

COVER SHEET

PRECEDENCE

- ☐ Immediate
- ☐ Priority
- ☐ Routine

CLASSIFICATION

- ☐ Top Secret
- ☐ Secret
- ☐ Confidential
- ☐ Sensitive
- ☒ Unclassified

Time Transmitted: 3:18 PM
Sender's Initials:
Number of Pages: 7
(including cover sheet)

To: SSMB
Name of Office

Date: 12/17/2003

Facsimile Number:

Attn:
Name Room Telephone

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From: FEDERAL BUREAU OF INVESTIGATION - NEWARK
Name of Office

Subject: Items from Search as requested by Atty.

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Special Handling Instructions:

Originator's Name: SA

Telephone:

Originator's Facsimile Number:

Approved:

Brief Description of Communication Faxed:

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194A-NK-109145





Charles Kushner



Richard Stadtmauer, Charles Kushner, Jeffrey Freireich

KEY EXECUTIVES

Charles Kushner
Chairman

Professional Background

Charles Kushner is chairman of Kushner Companies, one of the leading privately held real estate organizations in the New York metropolitan region. The 46-year-old Kushner graduated from New York University in 1976 and received a JD from Hofstra Law School and an MBA from New York University in 1979. He is currently a member of the bars of the States of New Jersey, New York and Pennsylvania. Until January 1985, he was a partner in the law firm of Brach, Eichler, Rosenberg, Silver, Bernstein, Hammer & Gladstone located in Roseland, New Jersey.

History And Achievements

Kushner received the 1999 New Jersey Ernst & Young Entrepreneur of the Year Award, in the real estate category, for his success as an owner, developer and manager of prime residential, commercial, retail and industrial properties. Kushner attributes his achievements to honesty, tenacity and family values learned from his father, Joseph Kushner, who arrived in the United States from war-ravaged Europe with his wife, Rae, in 1949. By 1954, Joseph, a carpenter by trade, saw a need in his new country for quality-built, affordable single-family homes. Charles' background in real estate goes back to his childhood, when his father would continually talk to his family about his experiences in the industry. Following a short career practicing law with a real estate emphasis, he joined his father's firm in 1985. Unfortunately, Joseph passed away within a year after they began working together. Kushner took over the business with a group of three individuals. Today, Kushner Companies has grown to an organization with more than 800 employees.

Civic And Industry Involvement

An avid philanthropist, Kushner developed a new campus for the Joseph Kushner Hebrew Academy, in memory of his late father. He was appointed to the U.S. Holocaust Memorial Council by President Clinton, on the recommendation of U.S. Senators Frank Lautenberg and Bob Torricelli of New Jersey. He is also active in numerous civic and industry organizations, including:

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Chairman of the Board of NorCrown Bank
Board of Trustees of Hofstra University
Member of United States Holocaust Memorial Council
Board of Trustee of MetroWest Federation
Board of Directors of Joseph Kushner Hebrew Academy
Board of Directors of Rabbinical College of America
Board of Directors of Stern College
Board of Directors of Daughters of Israel Geriatric Center
Board of Trustees of Touro College
Board of Directors of Jewish Educational Center
Member of National Jewish Medical and Research Center Council of National Trustees
Member of the Elizabethtown/Thames New Jersey Advisory Council (NJAC)

Personal Background

Date of Birth: May 16, 1954
Place of Birth: Brooklyn, New York

Chronology

1972 Graduated Jewish Educational Center
1976 Graduated New York University, B.A.
1979 Graduated Hofstra Law School, J.D.
Graduated New York University, M.B.A.
1979-1980 Practiced Tax at Price Waterhouse & Coopers, NYC
1980-1984 Practiced Law at Brach, Eichler, Rosenberg, Silver Bernstein, Hammer & Goldstone, Roseland NJ
1985- Real Estate Developer

Richard Stadtmauer
Managing Partner

Richard Stadtmauer, Managing Partner and Vice Chairman, has more than 18 years experience as a developer and operator of residential and commercial property at Kushner Companies, specializing in real estate acquisitions and finance, and management of residential and commercial properties. Prior to joining the firm, Richard worked in public accounting at Coopers & Lybrand, and on Wall Street for both Merrill Lynch and Drexel Burnham Lambert. Richard, an attorney and Certified Public Accountant, received

his J.D. from New York Law School. He is on the Executive Committee of the National Multifamily Housing Council, serves on the Board of the New Jersey Apartment Association and various other professional, civic and charitable organizations. He has also been appointed a Corporate Officer of Construction and Real Estate Network (CORENET).

Jeffrey Freireich
Managing Partner

Jeffrey Freireich, Managing Partner and Vice Chairman, has been with Kushner Companies since 1985. He oversees zoning matters, approvals, acquisitions and operations for the company. He has an MBA degree in Finance from New York University Graduate School of Business and a J.D. degree from Hofstra University School of Law. He is admitted to the Bar of the states of New Jersey and New York. He serves as vice chairman of the Livingston Township Planning Board and is a member of numerous civic organizations. In addition, he is an active member and sits on several committees: Land Use and Planning Committee of the New Jersey Builders' Association, Community Builders Association of New Jersey, National Association of Home Builders and Urban Development/Mixed-Use Council of the Urban Land Institute.

Charles Ramat
President and CEO

Charles Ramat, President and Chief Executive Officer, joined Kushner Companies in 2002 in this newly created senior management position. Ramat will play a key role in the organization's future growth, focusing on strategic planning. Previously, Charles served as chairman and chief executive officer of Aris Industries Inc., a multi-national apparel maker. Prior to that, he spent a decade as principal of Ramyork Properties, Inc., a highly successful real estate development company that owned high-rise residential properties in Manhattan. Activities included purchasing, financing and converting some 2,000 luxury apartments in 14 buildings from rental to cooperative ownership, resulting in sales totaling in excess of $100 million. A graduate of Yeshiva College cum laude, Ramat has a Juris Doctor degree from the Columbia School of Law.



Schonbraun Safris McCann Bekritsky & CO, L.L.C.
Business Advisors/Certified Public Accountants

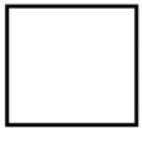
PARTNER GROUP
FIRM BIO
REAL ESTATE SERVICES
EXECUTIVE COMPENSATION
ACCOUNTING & AUDIT
TAX
NEWSROOM
CAREER OPPORTUNITIES
CONTACT US
Employee Services

The Firm

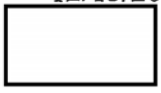
Headquartered in Roseland, New Jersey, with offices in New York and Florida, Schonbraun Safris McCann Bekritsky & Co., L.L.C. is a leading accounting and consulting firm specialized in the real estate industry. Established in 1973, with a staff of over 70 professionals, traditional accounting and tax services comprise only a portion of the firm's practice. Schonbraun Safris McCann Bekritsky & Co., L.L.C. concentrates its practice on providing value-added real estate consulting services, strategic business planning, capital markets guidance, executive compensation planning, and state-of-the-art tax planning, within the real estate sector.

The real estate practice, under the direction of Managing Partner Bruce Schonbraun, CPA, represents leading publicly-traded and privately-held real estate entities, financial institutions, investment banks, opportunity funds and pension advisors. Few firms within the real estate arena deal with this breadth of players, affording Schonbraun Safris McCann Bekritsky & Co., L.L.C. a unique perspective on industry-wide events and trends.

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Schonbraun Safris McCann Bekritsky & CO. L.L.C.

Business Advisors/Certified Public Accountants

PARTNER GROUP

FIRM BIO

REAL ESTATE SERVICES

EXECUTIVE COMPENSATION

ACCOUNTING & AUDIT

TAX

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for more information click respective partners photo



Bruce S. Schonbraun, CPA



Stephen P. McCann, CPA



Stanley Bekritsky, CPA



Jahn S. Brodwin, CPA



Carol Donatiello, CPA



Thomas O'Reilly, CPA

U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No. NK-109145

11 Centre Place
Newark, N.J. 07102
(973) 792-3000

December 22, 2003

Schonbraun Safris McCann Bekritsky & Co., LLC
101 Eisenhower Parkway
Roseland, NJ

Dear [redacted] b6 b7C

On Friday December 19, 2003, the Federal Bureau of Investigation (FBI) received a request from your attorney [redacted] to provide copies of certain items that were seized on December 17, 2003 during the execution of a search warrant. Copies of the following items are being provided on Monday December 22, 2003:

Page 3, Item 17 One (1) white paper entitled [redacted] Family Activities

Page 4, Item 23 One (1) black calendar/Appointment book for Year 2004 [redacted]

Page 52, Item 11 A/R Register 2003

Page 52, Item 21 CD-Rs - Payroll Reports '03 (box)

Page 54, Item 85 Cash Disbursements 5/03 - 12/03

Page 54, Item 86 Accounts Payable 5/03 - 12/03

Page 56, Item 129 NorCrown Flex Account

Page 56, Item 131 NorCrown SSMB Def'd Comp.

Page 57, Item 4 Appointment Book, [redacted] b6 b7C

Page 91, Item 10 Billing Worksheet by all clients for 1/1/90 2/1/2003

Also, the FBI is returning the original check book which was found in the NorCrown Flex Account folder. The remaining items requested by [redacted] were very voluminous or

[redacted]

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194A-NK-109145

required large amounts of time to copy and will be furnished at a later date.

If you have any questions, please contact Special Agent [redacted] b6 b7C b7E

Sincerely,

Louie F. Allen
Special Agent in Charge

By: [redacted] b6 b7C
Supervisory Special Agent

cc: [redacted]

FD-448 (Rev. 6-2-97)

FBI FACSIMILE

COVER SHEET

PRECEDENCE

- ☐ Immediate
- ☐ Priority
- ☐ Routine

CLASSIFICATION

- ☐ Top Secret
- ☐ Secret
- ☐ Confidential
- ☐ Sensitive
- ☒ Unclassified

Time Transmitted: _____
Sender's Initials: _____
Number of Pages: 3
(including cover sheet)

To: [redacted] Date: 12/22/2003
Name of Office

Facsimile Num [redacted]

Attn: [redacted]
Name Room Telephone

From: FEDERAL BUREAU OF INVESTIGATION - NEWARK
Name of Office

Subject: Letter documenting [redacted] items returned to SSMB today

[redacted]

Special Handling Instructions: [redacted]

Originator's Name: [redacted] Telephone: [redacted]

Originator's Facsimile Number: [redacted]

Approved: _____

Brief Description of Communication Faxed: _____

[redacted]

[redacted]

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b6
b7C

WARNING

Information attached to the cover sheet is U.S. Government Property. If you are not the intended recipient of this information, disclosure, reproduction, distribution, or use of this information is prohibited (18.USC, § 641). Please notify the originator or the local FBI Office immediately to arrange for proper disposition.

[redacted]

64

[redacted]

194A-NK-109145

U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No. NK-109145

11 Centre Place
Newark, N.J. 07102
(973) 792-3000

December 23, 2003

Schonbraun Safris McCann Bekritsky & Co., LLC
101 Eisenhower Parkway
Roseland, NJ

Dear [redacted] b6 b7C

The folllowing items are the second production of records returned in response to the request from your attorney [redacted] on December 18, 2003:

Page 52, Item 30, Paid Invoices A-Z (original documents)

Page 54, Item 74, Daily Deposit Logs (copies)

Page 54, Item 82, Valley Bank Loan Payments (copies)

Page 54, Item 87, Journal Entries 5/03 -12/03 (copies)

Page 54, Item 88, Cash Receipts 12/03 (copies)

If you have any questions, please contact Special Agent [redacted] b6 b7C b7E

Sincerely,

Louie F. Allen
Special Agent in Charge

By: [redacted]
Supervisory Special Agent

cc: [redacted]

-65
[redacted]
194A-NK-109145
[redacted]

FD-448 (Rev. 6-2-97)

FBI FACSIMILE

COVER SHEET

PRECEDENCE

- ☐ Immediate
- ☐ Priority
- ☐ Routine

CLASSIFICATION

- ☐ Top Secret
- ☐ Secret
- ☐ Confidential
- ☐ Sensitive
- ☐ Unclassified

Time Transmitted: _____
Sender's Initials: _____
Number of Pages: 2
(including cover sheet)

To: _____ Name of Office

Date: 12 / 23/2003

Facsimile Number: _____

Attn: _____ Name Room Telephone

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b7C

Faxed
4:40pm
12/23/03

From: FEDERAL BUREAU OF INVESTIGATION - NEWARK
Name of Office

Subject: Letter documenting items delivered to SSMB on 12/23/03

Special Handling Instructions: _____

Originator's Name _____ Telephone: _____

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Originator's Facsimile Number: _____

Approved: _____

Brief Description of Communication Faxed: _____

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194A-NK-109145

GREENBAUM, ROWE, SMITH, RAVIN, DAVIS & HIMMEL LLP

COUNSELLORS AT LAW

METRO CORPORATE CAMPUS ONE
P.O. BOX 5600
WOODBRIDGE, N.J. 07095-0988
(732) 549-5600
FAX (732) 549-1881

DELIVERY ADDRESS:
99 WOOD AVE. SOUTH
ISELIN, NEW JERSEY 08830-2712

6 BECKER FARM ROAD
ROSELAND, NEW JERSEY 07068-1735
(973) 535-1600
FAX (973) 535-1698

EMAIL: INFO@GREENBAUMLAW.COM
WWW.GREENBAUMLAW.COM

DATE: **December 24, 2003**

PLEASE DELIVER IMMEDIATELY TO:

NAME: **SPECIAL AGENT** [redacted] b6 b7C b7E
FIRM: **FEDERAL BUREAU OF INVESTIGATION**
FAX NUMBER: [redacted]
TELEPHONE NUMBER:

CLIENT/MATTER NUM. [redacted]
FROM:
MESSAGE:

Total number of pages including cover page: 3

If you do not receive all the pages or there is a malfunction, please call [redacted] as soon as possible.

Fax numbers [redacted]

Confidentiality Notice

The information contained in this facsimile message is confidential and may be privileged pursuant to the attorney-client and/or work product privilege. This information is intended only for the use of the individual or entity named above **If the reader of this message is not the intended recipient, you are hereby notified that any use, dissemination, distribution or copy of this communication is strictly prohibited.** If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

b6 b7C

-67
194A-NK-109145

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COUNSELLORS AT LAW

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P.O. BOX 5600
WOODBRIDGE, N. J. 07095-0988
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ROSELAND, NEW JERSEY 07068-1735
(973) 535-1600
FAX (973) 535-1698

EMAIL: INFO@GREENBAUMLAW.COM
WWW.GREENBAUMLAW.COM

WM. L. GREENBAUM (1914-1963)

REPLY TO: ***Woodbridge***

December 24, 2003

VIA FAX/REGULAR MAIL

Special Agent
Federal Bureau of Investigation
11 Centre Place
Newark, New Jersey 07102

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b7C

Re: *Schonbraun Safris McCann Bekritsky & Co., L.L.C.*

Dear Special Agent

Thank you for returning to my client, Schonbraun Safris McCann & Bekritsky & Co., L.L.C. ("SSMB"), the items delineated on the December 23, 2003 letter from Supervisory Special Agent

This letter will confirm that, among the documents which SSMB has listed as most critical to its continuing business operations, there are still outstanding the following items: (1) the CD-Rs payroll records (page 52, items 14, 20 and 21 on the search warrant inventory return), of which only the CD-Rs for the period 10/03 to 12/03 have been returned; (2) records relating to Norcrown Exec Comp. (page 56, item 130 on the search warrant inventory return); as well as (3) the SSMB Partnership related papers and 2002-2003 tax info ledgers (items 7 and 8 on page 60 of the return). Further, please provide copies of the documents relating to cost segregation project, items 1, 2, 3 and 4

GREENBAUM, ROWE, SMITH,
RAVIN, DAVIS & HIMMEL LLP

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on page 9 of the returns before the end of the year, as SSMB is faced with an impending deadline in that matter.

Thank you for your continuing cooperation.

Very truly yours,

[redacted]

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RJK:cmd
cc: [redacted] Supervisory Special Agent *(via fax/regular mail)*
[redacted] AUSA *(via fax/regular mail)*

U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No. NK-109145

11 Centre Place
Newark, N.J. 07102
(973) 792-3000

December 30, 2003

Schonbraun Safris McCann Bekritsky & Co., LLC
101 Eisenhower Parkway
Roseland, NJ

Dear [redacted] b6 b7C

The folllowing items are the third production of records returned in response to the request from your attorney [redacted] on December 24, 2003. These items were not originally requested in the first letter from [redacted] dated December 18, 2003.

Page 56,	Item 130	NorCrown Exec Comp.
Page 60,	Item 7	SSMB Partnership related papers
Page 60,	Item 8	2002-2003 Tax info ledgers
Page 9,	Item 1	Project Status List (Partners fees)
Page 9,	Item 2	Appraisal of Westminster Hotel
Page 9,	Item 3	Kushner Westminster Hotel folder
Page 9,	Item 4	Kushner Companies folder

Also, payroll CD-Rs from Item #21 were returned in the first production. The total number of CD-Rs in Item #20 is 81 and the total number of CD-Rs in Item #14 is 29. The CD-Rs take time to copy and will be completed during the week of January 5, 2004.

If you have any questions, please contact Special Agent [redacted] b6 b7C b7E

[redacted]

70

194A-NK-109145

[redacted]

Sincerely,

Louie F. Allen
Special Agent in Charge

By: [redacted]
Supervisory Special Agent

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b7C

cc: [redacted]

GREENBAUM, ROWE, SMITH, RAVIN, DAVIS & HIMMEL LLP

[redacted]

COUNSELLORS AT LAW

METRO CORPORATE CAMPUS ONE
P.O. BOX 5600
WOODBRIDGE, N. J. 07095-0988
(732) 549-5600
FAX (732) 549-1881

DELIVERY ADDRESS:
99 WOOD AVE. SOUTH
ISELIN, NEW JERSEY 08830-2712

6 BECKER FARM RD.
ROSELAND, NEW JERSEY 07068-1735
(973) 535-1600
FAX (973) 535-1698

EMAIL: INFO@GREENBAUMLAW.COM
WWW.GREENBAUMLAW.COM

[redacted]

WM. L. GREENBAUM (1914-1983)
[redacted]

REPLY TO: *Woodbridge*

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b7C

January 6, 2004

VIA FAX/REGULAR MAIL

Special Agent [redacted]
Federal Bureau of Investigation
11 Centre Place
Newark, New Jersey 07102

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b7C

Re: *Schonbraun Safris McCann Bekritsky & Co., L.L.C.*

Dear Special Agent [redacted]

As you know, this firm represents Schonbraun Safris McCann & Bekritsky & Co., L.L.C. ("SSMB"). I am writing at this time to request the return of the following additional items:

Item	Page	Description	Location
22	4	1 black appointment book for 2003	Office 016
26	5	Loan Agreement [redacted] SSMB	Office 016
1	10	Employee salary analysis	Office 012
2	10	Partner billings analysis	Office 012
1	18	October 2003 SSMB Line of Credit Renewal	F-13
2	18	SSMB Deferred Compensation Opportunity Fund	F-13
6	18	SSMB Valley Loan/Line of Credit	F-13
6	19	[redacted] Family Estate Planning	Filing cabinet near [redacted] office

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Special Agent [redacted]
January 6, 2004
Page 2

b6
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In addition, we ask that you return a copy of the hard drive taken from the computer of [redacted]

Please provide us with these documents as soon as possible. Thank you for your continuing cooperation.

Very truly yours,

[redacted]

RJK:cmd
cc: [redacted] Supervisory Special Agent *(via fax/regular mail)*
[redacted] AUSA *(via fax/regular mail)*

b6
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From: [redacted]
To:
Date: Wed, Jan 7, 2004 10:34 AM
Subject: FYI

Just an FYI regarding a story I heard on the local news this morning. Apparently, all water service for "The Landings" condominium complex in Absecon, NJ, has been shutoff as of 01/07/04. The reason I am bringing this to your attention is because the reason given for the water being shutoff is that the leasee of the property, Kushner Corporation, owes the owner $15,000+ for various payments.

[redacted]

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-72
194A-NK-109[redacted]

[redacted]

FD-448 (Rev. 6-2-97)

FBI FACSIMILE

COVER SHEET

PRECEDENCE

- ☐ Immediate
- ☐ Priority
- ☐ Routine

CLASSIFICATION

- ☐ Top Secret
- ☐ Secret
- ☐ Confidential
- ☐ Sensitive
- ☐ Unclassified

Time Transmitted: _____
Sender's Initials: _____
Number of Pages: 2
(including cover sheet)

To: [redacted] Name of Office

Date: 1 / 8 /2003

Facsimile Number: [redacted]

Attn: [redacted] Name Room Telephone

From: FEDERAL BUREAU OF INVESTIGATION - NEWARK
Name of Office

Subject: 4TH Production to SSMB

Sent 6:30PM 1/8/03 [redacted]

Special Handling Instructions: _____

Originator's Name: [redacted] Telephone: [redacted]

Originator's Facsimile Number: [redacted]

Approved: _____

Brief Description of Communication Faxed: _____

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[redacted]

194A-NK-109145-73

[redacted]

b6
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U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No. NK-109145

11 Centre Place
Newark, N.J. 07102
(973) 792-3000

January 8, 2004

Schonbraun Safris McCann Bekritsky & Co., LLC
101 Eisenhower Parkway
Roseland, NJ

Dear [redacted]

The following is the fourth production of records which are being returned to you at the request of your attorney [redacted]

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Page 52, Item 14 CD-Rs - Payroll Records (box)

Page 52, Item 20 CD-Rs - Payroll Records (box)

If you have any questions, please contact Special Agent [redacted]

Sincerely,

Louie F. Allen
Special Agent in Charge

By: [redacted]
Supervisory Special Agent

b6
b7C

cc: [redacted]

U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No. NK-109145

11 Centre Place
Newark, N.J. 07102
(973) 792-3000

January 22, 2004

Connell Foley LLP
85 Livingston Avenue
Roseland, NJ 07068
Attn: [redacted]

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Dear [redacted]

In response to your request on December 19, 2003, the Federal Bureau of Investigation (FBI) is returning the following items seized during search of the offices of Schonbraun Safris McCann Bekritsky & Co., LLC on December 17, 2003 to your client [redacted]

From Room F-13 - Page 1 of 3

1. [redacted] Etal Safris Assoc. 1997 tax return
2. [redacted] 2001 tax return
3. [redacted] 2001 tax return
4. [redacted] 2001 tax return
5. [redacted] 1998 tax return
6. [redacted] 1998 tax return
7. SSS Communications Inc., Brown Leather Binder
8. BAA Newark Airport folder
9. First Union Folder
10. New Horizon Title Comp., Green plastic envelope

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From Room F-13 - Page 3 of 3

2. Collier Town Square Loan Draws
3. [redacted] 2000 & 2001 tax returns
4. [redacted] 2002 tax return
5 Collier Township & Michael Safris financial records

From Room F-34 - Page 1 of 1

1G. Sunset Management
1H. Rafiel Barrientos

[redacted]

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194A-NK-109145

[redacted]

The FBI did not maintain copies of any of the documents listed above. The other items you listed in your letter dated December 19, 2003 appear to contain documents that may be within the scope of the search warrant. If you would like to discuss those issues further or have any questions regarding the items listed above, please contact Special Agent [redacted] at [redacted]

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Sincerely,

Louie F. Allen
Special Agent in Charge

By: [redacted]
Supervisory Special Agent

GREENBAUM, ROWE, SMITH, RAVIN, DAVIS & HIMMEL LLP

[redacted]

WM. J. GREENBAUM (1914-1983)
[redacted]

REPLY TO: *Woodbridge*

COUNSELLORS AT LAW

METRO CORPORATE CAMPUS ONE
P.O. BOX 5600
WOODBRIDGE, N. J. 07095-0988
(732) 549-5600
FAX (732) 549-1881

DELIVERY ADDRESS:
99 WOOD AVE. SOUTH
ISELIN, NEW JERSEY 08830-2712

6 BECKER FARM RD.
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(973) 535-1600
FAX (973) 535-1698

EMAIL: INFO@GREENBAUMLAW.COM
WWW.GREENBAUMLAW.COM

[redacted]

b6
b7C

January 15, 2004

VIA FAX AND REGULAR MAIL

Special Agent [redacted]
Federal Bureau of Investigation
11 Centre Place
Newark, NJ 07102

Re: ***Schonbraun Safris McCann Bekritsky & Co., L.L.C.***

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b7C

Dear Special Agent [redacted]

As you know, this firm represents Schonbraun Safris McCann & Bekritsky & Co., L.L.C. ("SSMB"). I am writing at this time to request the return of the following additional items:

Page	Item	Description
39	1	C&S Kushner Foundation folder
39	3	Columbia Corporate Center
39	4	Curling Club folder
39	5	Berkely Arms Assoc 12/31/02
39	7	Clinton Building folder
39	8	520 Broad Street folder

[redacted]

[redacted]

194A-NK-109145-78

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Page	Item	Description
39	9	Constatine Village
39	11	Kushner Companies 12/31/02
39	12	Kushner Grantor 12/31/02
39	16	Leonardine Associ
39	18	[redacted] 1199
39	19	Jumping Brook Assoc 12/31/02
39	21	[redacted]
39	22	Glen Ellen Assoc
39	23	Fawn Realty
39	25	Franklin Farms Assoc
39	26	Elmwood Village
39	27	Hillside Gardens Assoc 12/31/02
39	28	Elmwood Village Assoc
39	29	Florham Park Realty Assoc
39	30	Florham Park Realty Corp.
39	31	Oakwood Gardens Assoc
40	32	Oakwood Apartments
40	35	Pheasant Hollow Assoc 12/31/02
40	36	Statfeld Vantage Insur
40	37	Wallkill Apts Assoc 12/31
40	39	Westman Vantage
40	40	Westminister Capital
40	41	Westminister Land Development
40	42	Westminister Legal
40	43	Westminister Management

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b7C

Page	Item	Description
40	44	Westminister Realty
52	26	[redacted] retainer info
53	33	Firm Information 2003
53	34	T & E Monthly 2003
53	48	[redacted] - file
53	50	[redacted] Files
53	51	[redacted] Files
54	76	Amex/Travel 15 Billings
55	122	[redacted] File (loans)
55	123	[redacted] File (loans)
56	124	Payment schedules (loans)
56	125	[redacted] (loans)
56	126	[redacted]
56	128	Norcrown Capital Account
56	129	Norcrown Flex Account
56	133	MES Daily Deposits
56	134	MES Information
60	2	SSMB A+E 10/31/03 Hourly productivity report partner scorecard
60	6	Billing register 1998 to present
61	1	401 K Binder
61	2	401 K Binder dated 1/31/03
61	3	401 K conversion binder
61	6	401 K folder
61	8	Executive Compensation Folder
61	9	[redacted] Folder

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b7C

Page	Item	Description
61	10	Cost Segregation Folder
61	17	Personal Medical and confidential files

I recognize that these documents may be voluminous, and therefore, I request that you allow a copy service to come in and make these copies as soon as possible. Please advise me if this arrangement is acceptable. Thank you for your continuing cooperation.

Very truly yours,

[redacted]

[redacted]

cc: [redacted] Supervisory Special Agent *(via fax and regular mail)*
[redacted] AUSA *(via fax and regular mail)*

7-1 (Rev. 5-13-99)

FBI LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: SAC, Newark
Squad C-8

Date: January 9, 2004

Case ID No.: 194A-NK-109145 -79

Lab No.: 031219254 YH

Reference: Communication dated December 18, 2003

Your No.:

Title: CHARLES A. KUSHNER;
ET AL;
CSPLO - State Level, Mail Fraud;
OO:NEWARK

Date specimens received: December 19, 2003

Specimens:

Q1 One NEXTEL/Blackberry 6510 personal storage device

Remarks:

This report contains the results of the electronic device examinations.

The Q1 specimen was returned to the Newark Office via Federal Express on January 5, 2004.

Enclosure (1)

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~~This Report is Furnished for Official Use Only~~

194A-NK-109145 - 79

7-1a (Rev. 5-18-99)

FBI LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Report of Examination

b6
b7C
b7E

Examiner Name: [redacted]

Date: January 9, 2004

Unit: Cryptographic and Electronic Analysis

Phone No.: [redacted]

Case ID No.: 194A-NK-109145

Lab No.: 031219254 YH

Results of Examinations:

The Q1 specimen is a NEXTEL/BlackBerry 6510. This is a combination personal digital assistant and cellular telephone. The telephone number of the Q1 specimen is [redacted] The Q1 specimen has nothing stored under "Owner Information." The Desktop Manager was used to create a backup of the information stored on the Q1 specimen. Enclosure One is a Compact Disk containing a file labeled 031219254 Specimen Q1 which contains Messages, Calendar entries, Address Book and Phone Hotlist. The file is in the Personal Document Format (PDF) which requires Acrobat Reader to view.

~~This Report is Furnished for Official Use Only~~

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 01/15/2004

To: Newark

From: Newark
C-8
Contact: SA [redacted] b6 b7C b7E

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 194A-NK-109145 (Pending)-81

Title: CHARLES A. KUSHNER;
ET AL;
CSLPO- State Level, Mail Fraud;
OO:NEWARK

Synopsis: Electronic Communication requesting permission to earn holiday pay by working on the Martin Luther King, Jr. Federal Holiday scheduled for January 19, 2004.

Details: The writer is requesting permission to work a full day on January 19, 2004, which is the Martin Luther King, Jr. Federal Holiday, and earn holiday pay.

The writer recently executed search warrants at two locations in the captioned case and obtained over 100 boxes of evidence. The pace of the investigation has increased rapidly since the search warrant executions and the review of the evidence seized has become a priority. Due to interviews, proffers and other investigative activities conducted recently, only approximately 15% to 20% of the documents obtained in the search warrant has been reviewed by the writer, who is the case agent. Therefore, the writer would like to work on Monday January 19, 2004 and spend the day reviewing the extensive volume of documents with little or no interruptions.

♦♦

approved 1/23/04 [redacted]

Necessary Investigation [redacted] 1/16/04 b6 b7C

81

194A-NK-109145 [redacted]

FD-448 (Rev. 6-2-97)

FBI FACSIMILE

COVER SHEET

PRECEDENCE

- ☐ Immediate
- ☐ Priority
- ☒ Routine

CLASSIFICATION

- ☐ Top Secret
- ☐ Secret
- ☐ Confidential
- ☐ Sensitive
- ☒ Unclassified

Time Transmitted: _____
Sender's Initials: _____
Number of Pages: 28
(including cover sheet)

To: _____ Date: 2/25/04
Name of Office

Facsimile Number: _____

Attn: _____ _____
Room Telephone

b3
b6
b7C

Sent
4:15pm
2/25/04

From: FBI - Newark Division

Subject: _____

Special Handling Instructions: _____

Originator's Name: SA _____ Telephone: _____

b6
b7C
b7E

Originator's Facsimile Number: _____

Approved: _____

Brief Description of Communication Faxed: _____

b6
b7C

WARNING

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194A-NK-109145

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: PRIORITY **Date:** 03/10/2004

To: Chicago **Attn:** Public Corruption Squad

From: Newark ✓
Squad C-8
Contact: SA [redacted] b6 b7C b7E

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 194A-NK-109145 (Pending)

Title: CHARLES A. KUSHNER;
ET AL;
CSLPO - State Level;
Mail Fraud;
OO: Newark

GRAND JURY MATERIAL - DISSEMINATE PURSUANT TO RULE 6(e)

Synopsis: Electronic Communication setting lead to serve a subpoena for Grand Jury testimony in New Jersey [redacted] b3 b6 b7C b7E

Enclosure(s): 1.) Original and one copy of Federal Grand Jury subpoena [redacted]

2.) Copy of [redacted]

Details: [redacted] b3 b6 b7C b7E

Newark requests that Chicago serve the subpoena to [redacted]

b3
b6
b7C

LEAD(s):

Set Lead 1: (Action)

CHICAGO

AT [redacted]

Will serve enclosed subpoena to [redacted]

b3
b6
b7C
b7E

♦♦

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 03/09/2004

To: Newark

From: Newark
C-8
Contact: SA [redacted] b6 b7C b7E

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 194A-NK-109145 (Pending)-84

Title: CHARLES KUSHNER;
ET AL;
CSLPO - State Level; Mail Fraud;
OO: NEWARK

Synopsis: Electronic Communication documenting meeting held on March 3, 2004 at the United States Attorney's Office.

Details: On March 3, 2004, [redacted] and [redacted] attended a meeting at the United States Attorney's Office with the writer, Assistant United States Attorney (AUSA) [redacted] and AUSA [redacted] All of the attorneys listed above represent [redacted] in the captioned case. [redacted] b3 b6 b7C

[redacted] b3 b6 b7C

[redacted] mentioned that he was told by the front office of the United States Attorney's Office that a decision on the investigation would be made by the end of March 2004. [redacted] AUSA [redacted] and AUSA [redacted] did not comment on any deadline with the exception of noting that all facts would be evaluated at a certain point in time and deadlines could be changed. b3 b6 b7C

♦♦

b6
b7C

194A-NK-109145-84

FD-448 (Rev. 6-2-97)

FBI FACSIMILE

COVER SHEET

PRECEDENCE

- ☐ Immediate
- ☐ Priority
- ☒ Routine

CLASSIFICATION

- ☐ Top Secret
- ☐ Secret
- ☐ Confidential
- ☐ Sensitive
- ☒ Unclassified

Time Transmitted: _____
Sender's Initials: _____
Number of Pages: 19
(including cover sheet)

To: FBI Chicago
Name of Office

Date: 3/11/04

Facsimile Number: [redacted]

Attn: [redacted] Squad WC-3 / Public Corruption
Name Room Telephone

b6
b7C
b7E

From: FBI - Newark Division
Name of Office

Subject: (U) Lead to serve subpoena
→ Originals will follow in Bureau Mail
and lead was set in Newark in ACS

Special Handling Instructions: Call if you have any questions
Thanks, [redacted]

b6
b7C
b7E

Originator's Name: SA [redacted] Telephone: [redacted]

Originator's Facsimile Number: [redacted]

Approved: _____

Brief Description of Communication Faxed: _____

[redacted]

b6
b7C

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86

194A-NK-189145

[redacted]

b3

United States District Court

NEW JERSEY

DISTRICT OF

TO:

b3
b6
b7C

SUBPOENA TO TESTIFY BEFORE GRAND JURY

SUBPOENA FOR:

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date, and time specified below.

PLACE	ROOM
UNITED STATES DISTRICT COURT U.S. POST OFFICE & COURTHOUSE FEDERAL SQUARE NEWARK, NEW JERSEY 07102	481-483 GRAND JURY
	DATE AND TIME

b3
b6
b7C

YOU ARE ALSO COMMANDED to bring with the following document(s) or object(s):* b7E

☐ ***Please see additional information on reverse***

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

CLERK	DATE
WILLIAM T. WALSH	3/9/04

b6
b7C

pon application of the United States of America

CHRISTOPHER J. CHRISTIE
UNITED STATES ATTORNEY

NAME, ADDRESS AND PHONE NUMBER OF ASSISTANT U.S. ATTORNEY

AUSA
U.S. Attorney's Office
970 Broad Street, Rm. 702
Newark, New Jersey 07102

*If not applicable, enter "none"

To be used in lieu of AO110

FORM OBD-227
Revised April 2000

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 03/22/2004

To: Newark **Attn:** Squad C-8
SA [redacted]

b6
b7C
b7E

From: Chicago
WC-3
Contact: SA [redacted]

[redacted]

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 194A-NK-109145 (Pending) -87

Title: CHARLES A. KUSHNER;
ET AL;
CSLPO-State Level;
Mail Fraud;
OO:Newark

Synopsis: To close a lead set at [redacted] Illinois and to return a Grand Jury Subpoena.

Reference: 194A-NK-109145 Serial 83

Enclosure(s): Original and one copy of a Federal Grand Jury subpoena [redacted]

b3
b6
b7C

Details: The referenced EC set forth a led to serve the enclosed Grand Jury subpoena. [redacted] have negated the necessity to serve the subpoena. Chicago is returning the subpoena unserved and considers this matter closed.

[redacted]

b6
b7C

-87

194A-NK-109145 [redacted]

To: Newark From: Chicago
Re: 194A-NK-109145, 03/22/2004

LEAD(s):

Set Lead 1: (Action)

NEWARK

AT NEWARK, NEW JERSEY

Close lead set at Chicago, Illinois.

♦♦

FD-448 (Rev. 6-2-97)

FBI FACSIMILE

COVER SHEET

PRECEDENCE

- ☐ Immediate
- ☐ Priority
- ☒ Routine

CLASSIFICATION

- ☐ Top Secret
- ☐ Secret
- ☐ Confidential
- ☐ Sensitive
- ☒ Unclassified

Time Transmitted: _____
Sender's Initials: _____
Number of Pages: 2
(including cover sheet)

To: AICPA
Name of Office

Date: 4/7/04

Facsimile Number: [redacted]

Attn: [redacted]
Name Room Telephone

b6
b7C

Sent 4:35 pm 4/7/04

From: FBI - Newark Division
Name of Office

Subject: Letter regarding Expert Witness

Special Handling Instructions: _____

Originator's Name: SA [redacted] Telephone: [redacted]

Originator's Facsimile Number: [redacted] Cell [redacted] Badge [redacted]

b6
b7C
b7E

Approved: _____

Note: You can call the Main Newark FBI # (973) 792-3000 to verify my identity

Brief Description of Communication Faxed: _____

[redacted]

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194A-NK-109145

[redacted]

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 04/05/2004

To: Newark

From: Newark
Squad C-8
Contact: SA [redacted] b6 b7C b7E

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 194A-NK-109145 (Pending)-90

Title: CHARLES A. KUSHNER;
ET AL;
OO:NEWARK

Synopsis: EC to open two subfiles in the captioned case.

Details: The writer would like open the following subfiles for the captioned case:

	Subfile	Case Agent
1.)	194A-NK-109145 SUB 1B For paperwork related to evidence	SA [redacted] b6 b7C
2.)	194A-NK-109145 SUB TRANS For civil lawsuit and other non-ELSUR transcripts	SA [redacted]

♦♦

b6
b7C

-90
194A-NK-109145

U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No. 194A-NK-109145

11 Centre Place
Newark, NJ
(973) 792-3000
April 7, 2004

[redacted] b6 b7C

AICPA
Professional Ethics Division
Jersey City, NJ

Dear [redacted]

As you discussed with Special Agent (SA) [redacted] during your telephone call on April 7, 2004, the Federal Bureau of Investigation (FBI) would like you to furnish the names and contact information for individuals that you are aware possess the technical knowledge to qualify as an expert witness in regard to issues involving independence and ethics for certified public accountants (CPAs). The expert witness is needed to testify in an ongoing criminal investigation being conducted by the FBI Newark Division and the United States Attorney's Office in Newark, NJ. The subjects of the criminal investigation include individual CPAs and a CPA firm in Northern New Jersey. b6 b7C b7E

If you have any questions, please contact SA [redacted] at [redacted] fax number [redacted]

Sincerely,

Joseph Billy, Jr.
Special Agent in Charge

By:
[redacted] b6 b7C
Supervisory Special Agent

[redacted]

-91
194A-NK-109145

[redacted]

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 04/15/2004

To: Newark

From: Newark
Squad C-8
Contact: SA [redacted] b6 b7C b7E

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 194A-NK-109145 (Pending) -93

Title: CHARLES A. KUSHNER;
ET AL;
CSLPO- State Level, Mail Fraud;
OO: Newark

Synopsis: EC documenting communication with attorney [redacted]

Details: On April 2, 2004, attorney [redacted] attended a meeting at the FBI Newark Division office with the writer and SA [redacted] b6 b7C stated he represented an individual who [redacted] stated the individual wanted to cooperate with the captioned investigation, but was having second thoughts about coming forward once he was told by [redacted] that a meeting had been set up with the interviewing agents. [redacted] spoke in general terms about the role of his client at SSMB and stated he would not provide the name of his client. [redacted] did provide a copy of message pad which directed him to schedule the meeting with the interviewing agents. The name of [redacted] client was crossed out on the copy given to the interviewing agents. After [redacted] departed the meeting the interviewing agents were able to analyze the message pad copy provided by [redacted] and determine the identity of [redacted] client. The name provided on the message pad copy was confirmed through other documents obtained during the investigation to be [redacted]

During several telephone calls with [redacted] during the week of April 5, 2004, [redacted] was told that the interviewing agents will need to speak with his client by April 16, 2004 at the latest. [redacted] stated his client [redacted] and was not sure if he wanted to get involved b6 b7C

-93

194A-NK-109145

[redacted]

with the investigation. [redacted] stated he would get back to the writer within a week regarding his client's decision. b6 b7C

On April 13, 2004, the writer called [redacted] and left a message regarding his client's decision. [redacted] returned the writer's call and left a message that he wanted to schedule another meeting.

On April 14, 2004, [redacted] met with the writer outside of the FBI Newark office building and told the writer that his client is not returning his phone calls and apparently did not want to cooperate with the investigation. The writer informed [redacted] that we have been able to independently confirm that his client is [redacted] told the writer that he is no longer representing [redacted] in this matter and that agents were permitted to contact [redacted] on their own and without [redacted] being present. b6 b7C

♦♦

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 05/24/2004

[redacted] also known as [redacted] Date of Birth (DOB) [redacted] telephone number [redacted] e-mail address [redacted] was advised of the identity of the interviewing agent and the purpose of the interview. [redacted] then furnished the following information: b6 b7C

[redacted] was shown a hand drawn map of the RED BULL INN motel and asked what rooms are connecting rooms in the area depicted on the map. [redacted] stated that the first floor room numbers on the western building were numbered 229 to 242. [redacted] stated that the only connecting rooms located on the first floor of the western building were rooms 240 and 241. The hand drawn map is attached as part of this report. b6 b7C

[redacted] then furnished the original registration card control sheets from 11/29/2003 through 12/10/2003. [redacted] also furnished the original customer signature cards and payment receipts from room 240 and 241 during the time period 12/2/2004 through 12/5/2004. [redacted] reviewed the payment receipts and noted that rooms 240 and 241 for the noted time period were paid with cash. [redacted] also stated that according to his records there were no telephone calls charged to the rooms. b6 b7C

[redacted] b6 b7C

Investigation on 5/13/2004 at [redacted]

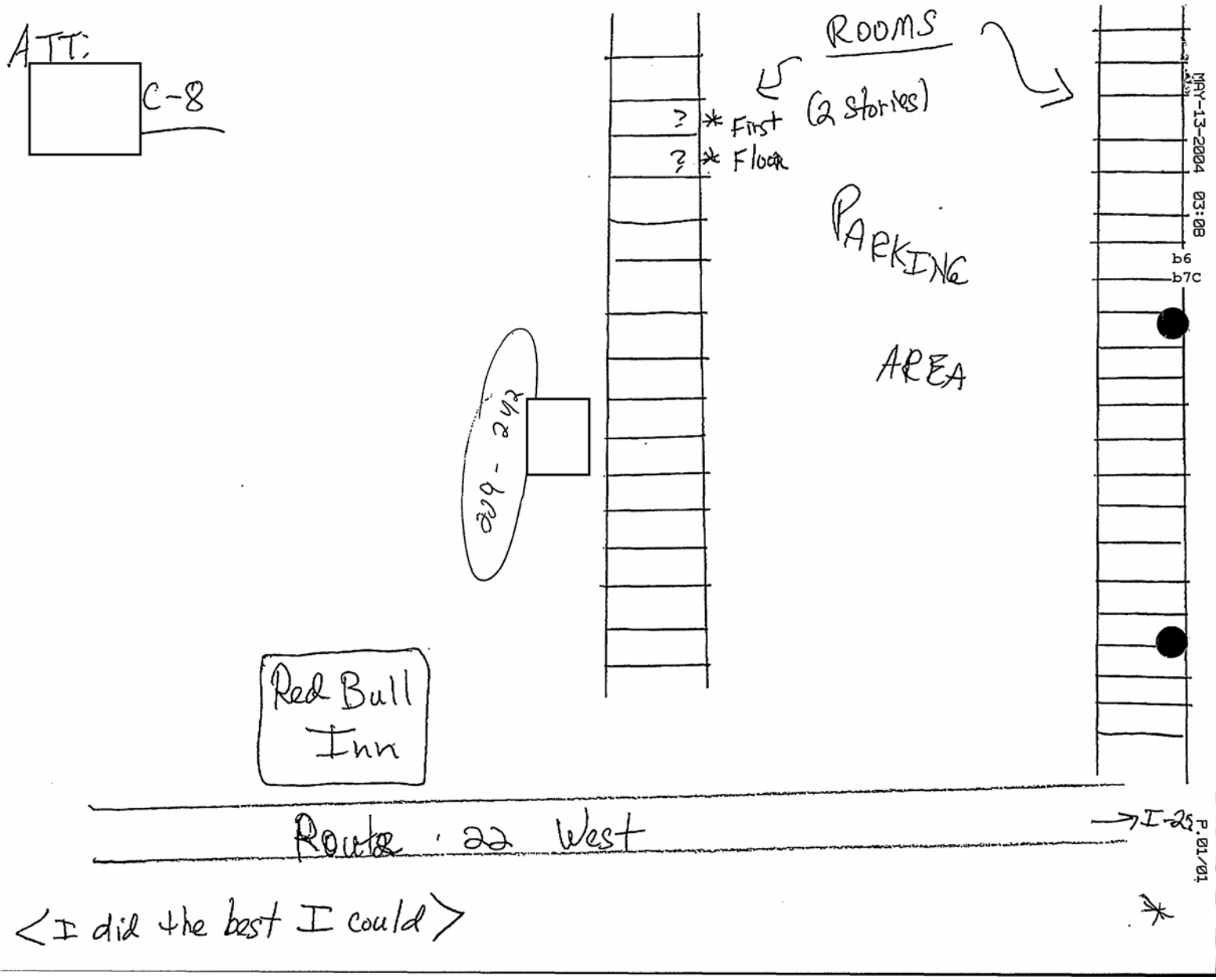
File # 194A-NK-109145 - 96 Date dictated 5/24/2004

by SA [redacted]

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

96

194A-NK-109145 [redacted]



TOTAL P.01

<I did the best I could>

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 05/28/2004

To: Newark

From: Newark
Squad C-8
Contact: SA [redacted]

b6
b7C
b7E

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 194A-NK-109145 (Pending) -97

Title: CHARLES A. KUSHNER;
ET AL;
CSLPO- STATE LEVEL, MAIL FRAUD;
OO: NEWARK

Synopsis: Electronic Communication requesting the opening of a sub-file for the captioned case.

Details: The writer requests the opening of a sub-file for the captioned case:

194A-NK-109145 Sub 1	Investigation of Incident at Red Bull Inn
Case Agent:	SA [redacted]

♦♦

b6
b7C

-97
194A-NK-109145

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 05/24/2004

To: Newark

From: Newark
C-8
Contact: SA [redacted] b6 b7C b7E

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 194A-NK-109145 (Pending)-98

Title: CHARLES A. KUSHNER;
ETAL;
OO:NEWARK

Synopsis: Electronic communication documenting the reason for the late submission of evidence on 5/24/2004.

Details: The writer obtained original evidence from the Red Bull Inn related to the captioned case at 8:30 p.m. on 5/13/2004. On 5/14/2004 the writer was assigned to assist Squad C-7 with the execution of a search warrant in Secaucas, NJ. Because of the search warrant, the writer was not available to meet with evidence control technicians on 5/14/2004 and submit the evidence. During the week of 5/16/2004 through 5/21/2004, the writer was in Reno, NV at an in-service training course and was not available to submit the evidence.

According to FBI police the evidence "10 day" rule is based on calendar days and not working days. Therefore since 5/15/2004, 5/16/2004, 5/22/2004, and 5/23/2004 were all weekend days when evidence control technicians are not available, the evidence from the Red Bull Inn will be submitted late on 5/24/2004.

♦♦

[redacted] b6 b7C

ASAC

SCI

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 06/25/2004

To: Newark **Attn:** Draft Room

From: Newark
Squad C-8, Public Corruption
Contact: SA [redacted] b6 b7C b7E

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 194A-NK-109145 (Pending)-100

Title: CHARLES KUSHNER;
ET AL;
CSLPO - LOCAL LEVEL: MAIL FRAUD
OO: NK

Synopsis: [redacted] b3 b6 b7C b7E

Enclosure(s): [redacted]

Details: [redacted]

♦♦

-100
194A-NK-109145

[redacted] b6 b7C

[redacted]

[redacted]

b6
b7C

194A-NK-109145
-101

FD-448 (Rev. 6-2-97)

FBI FACSIMILE

COVER SHEET

PRECEDENCE

- ☐ Immediate
- ☐ Priority
- ☒ Routine

CLASSIFICATION

- ☐ Top Secret
- ☐ Secret
- ☐ Confidential
- ☐ Sensitive
- ☒ Unclassified

Time Transmitted: [redacted] b6 b7C
Sender's Initials: [redacted]
Number of Pages: 2
(including cover sheet)

To: NYPD
Name of Office

Date: 06/30/2004

Facsimile Number: 646-610-6047

Attn: P/O Weston 8th Fl
Name Room Telephone

From: F.B.I. - Newark
Name of Office

Subject: 2001, Pontiac, Bonneville,NJ #[redacted]

b6 b7C b7E

Special Handling Instructions: Contact SA [redacted]

Originator's Name: SA [redacted] Telephone: [redacted]

Originator's Facsimile Number: [redacted]

Approved: _____

Brief Description of Communication Faxed: Request to release towed vehicle.

[redacted]

WARNING

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194A-NK-109145

[redacted]

U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No. NK-109145

11 Centre Place

973-792-3000
June 30, 2004

Attention: Police Operations Unit
New York Police Department
One Police Plaza, 8th Floor
New York, NY
facsimile (646-610-6047

RE: **Towed Vehicle: 2001, Pontiac Bonneville,**
New License plate number [redacted]

Dear Police Officer [redacted]

b6
b7C
b7E

This office is respectfully requesting the release of the referenced vehicle which was towed on Wednesday, 06/30/2004, in the area of 1st Avenue and 57th Street, New York, New York (NY). The aforementioned vehicle was operated by Special Agent (SA) [redacted] of this office, who was on official business at the time the vehicle was towed. Any questions or problems may be directed to SA [redacted] Thank you for your assistance in this matter.

Sincerely

Joseph Billy, Jr
Special Agent in Charge

[redacted]

By:
[redacted]
Supervisory Special Agent

cc: [redacted]

AO442 (Rev. 3/17) Warrant for Arrest

United States District Court
District of New Jersey

UNITED STATES OF AMERICA : **WARRANT FOR ARREST**

v. :

CHARLES KUSHNER : **Case Number:** 04- 6120

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest CHARLES KUSHNER and bring him or her forthwith to the nearest magistrate to answer a

___ Indictment __ Information X Complaint __ Order of court ___Violation Notice

charging him with (brief description of offense)

1) knowingly and willfully conspiring and agreeing with others to persuade, induce, entice, and coerce an individual to travel in interstate commerce to engage in prostitution and sexual activity for which a person could be charged with a criminal offense, contrary to Title 18, United States Code, Section 2422(a), and did an act to effect the object of the conspiracy, in violation of Title 18, United States Code, Section 371.

2) knowingly and willfully, and with the intent to retaliate, taking an action harmful to a person, namely Cooperating Witness 1, for providing to a law enforcement officer truthful information relating to the commission and possible commission of a Federal offense, in violation of Title 18, United States Code, Sections 1513(e) and 2; and

3) knowingly, willfully and corruptly endeavoring to influence, obstruct and impede the due administration of justice, namely, a grand jury investigation being conducted in the United States District Court for the District of New Jersey, in violation of Title 18, United States Code, Sections 1503 and 2.

Honorable Ronald J. Hedges
Name of Issuing Officer

United States Magistrate Judge
Title of Issuing Officer

[redacted]
Signature of Issuing Officer

b6
b7C

July 12, 2004 Newark New Jersey
Date and Location

Bail fixed at $ _____ by _____

RETURN

This warrant was received and executed with the arrest of the above-named defendant at

11 Centre Place, Newark, NJ 07102

Date Received 7/12/04	[redacted]	[redacted]
Date of Arrest 7/13/04	FBI Special Agent	

194A-NK-109145-104

THE FOLLOWING IS FURNISHED FOR INFORMATION ONLY

DEFENDANT'S NAME: CHARLES KUSHNER

ALIAS: _____

LAST KNOWN RESIDENCE: _____

LAST KNOWN EMPLOYMENT: _____

PLACE OF BIRTH: _____

DATE OF BIRTH: _____

SOCIAL SECURITY NUMBER: _____

HEIGHT: _____ WEIGHT: _____

SEX: _____ RACE: _____

HAIR: _____ EYES: _____

SCARS, TATTOOS, OTHER DISTINGUISHING MARKS: _____

FBI NUMBER: _____

COMPLETE DESCRIPTION OF AUTO:

INVESTIGATIVE AGENCY AND ADDRESS: FBI, Newark, NJ

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 07/23/2004

To: Newark

From: Newark
Squad C-8
Contact: SA [redacted] b6 b7C b7E

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 194A-NK-109145 (Pending)-106

Title: CHARLES KUSHNER;
ET AL;
OO:NEWARK

Synopsis: Electronic Communication documenting the return of evidence on June 28, 2004.

Details: On June 28, 2004 the following items were returned to [redacted]

1B62	Item #21	Compaq Laptop computer with Power cord, s/n CNF34001V7
1B60	Item #19	Canon Multipass C3500
1B61	Item #18	Lexmark Printer, s/n 09240503063
1B59	Item #10	Green Duffel Bag
	Item #6	Radio Shack Regulated Power Supply #306728
	Item #5	Wavecom receiver Model WCJ30-102 RF10107-03
	Item #3	Power cords/batteries

This evidence was seized during a search warrant executed in Utica, NY on June 22, 2004.

KCL [redacted] b6 b7C

GREENBAUM, ROWE, SMITH, RAVIN, DAVIS & HIMMEL LLP

COUNSELLORS AT LAW

METRO CORPORATE CAMPUS ONE
P.O. BOX 5600
WOODBRIDGE, N.J. 07095-0988
(732) 549-5600
FAX (732) 549-1881

DELIVERY ADDRESS:
99 WOOD AVE. SOUTH
ISELIN, NEW JERSEY 08830-2712

6 BECKER FARM ROAD
ROSELAND, NEW JERSEY 07068-1735
(973) 535-1600
FAX (973) 535-1698

EMAIL: INFO@GREENBAUMLAW.COM
WWW.GREENBAUMLAW.COM

DATE: **June 7, 2004**

PLEASE DELIVER IMMEDIATELY TO:

Name	Firm	Fax Number	Phone Number
[redacted] Special Agent	FBI	[redacted]	
[redacted] Supervisory Special Agent			
[redacted] Esq., AUSA	U.S. Attorney's Office	[redacted]	

b6
b7C
b7E

CLIENT/MATTER NUM. 14811-001 (SCHONBRAUN)

FROM: [redacted] ESQ.

MESSAGE:

Total number of pages including cover page: 13

If you do not receive all the pages or there is a malfunction, please call (732) 549-5600 ext [redacted] as soon as possible.

Fax numbers: (732) 549-1881, [redacted]

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[redacted]
-107

194A-NK-109145

GREENBAUM, ROWE, SMITH, RAVIN, DAVIS & HIMMEL LLP

COUNSELLORS AT LAW
METRO CORPORATE CAMPUS ONE
P.O. BOX 5600
WOODBRIDGE, N. J. 07095-0988
(732) 549-5600
FAX (732) 549-1881

DELIVERY ADDRESS:
99 WOOD AVE. SOUTH
ISELIN, NEW JERSEY 08830-2712

6 BECKER FARM RD.
ROSELAND, NEW JERSEY 07068-1735
(973) 535-1600
FAX (973) 535-1698

EMAIL: INFO@GREENBAUMLAW.COM
WWW.GREENBAUMLAW.COM

WM. L. GREENBAUM (1914-1983)

REPLY TO: *Woodbridge*

b6
b7C

February 27, 2004

VIA HAND DELIVERY

Special Agent
Federal Bureau of Investigation
11 Centre Place
Newark, NJ 07102

b6
b7C

Re: ***Schonbraun Safris McCann Bekritsky & Co., L.L.C.***

Dear Special Agent

As you know, this firm represents Schonbraun Safris McCann & Bekritsky & Co., L.L.C. ("SSMB"). On January 6, 2004, I wrote to you requesting the return of certain items. To date, we have not received some of the items requested. Those items are as follows:

Page	Item	Description
4	22	1 black appt. book for 2003
5	26	Loan agreement:
10	1	Employee salary analysis
10	2	Partner billings analysis
18	1	October 2003 SSMB Line of Credit Renewal
18	2	SSMB Deferred Compensation Opportunity Fund

GREENBAUM, ROWE, SMITH,
RAVIN, DAVIS & HIMMEL LLP

Special Agent [redacted] b6 b7C
February 27, 2004
Page 2

Page	Item	Description
18	6	SSMB Valley Loan/Line of Credit

In addition, we are at this time requesting the return of the following original documents:

Page	Item	Description
19	6	[redacted] Family Estate Planning [redacted] Trust 9/30/02 BSS Life Insurance Trust #2 BSS Will 2002 [redacted] [redacted] Will 2002 [redacted] Family, LLC BSS Life Insurance Trust u/t/a/d March 10, 2002

I recognize that these documents may be voluminous, and therefore, I again request that you allow a copy service to come in and make these copies as soon as possible. Please advise me if this arrangement is acceptable. Thank you for your continuing cooperation.

Very truly yours,

[redacted] b6 b7C

[redacted]

cc: [redacted] Supervisory Special Agent *(via fax and regular mail)*
[redacted] AUSA *(via Hand Delivery)*

b6
b7C

GREENBAUM, ROWE, SMITH, RAVIN, DAVIS & HIMMEL LL

[redacted]

COUNSELLORS AT LAW

METRO CORPORATE CAMPUS ONE
P.O. BOX 5600
WOODBRIDGE, N. J. 07095-0988
(732) 549-5600
FAX (732) 549-1881

DELIVERY ADDRESS:
99 WOOD AVE. SOUTH
ISELIN, NEW JERSEY 08830-2712

6 BECKER FARM RD.
ROSELAND, NEW JERSEY 07068-1735
(973) 535-1600
FAX (973) 535-1698

EMAIL: INFO@GREENBAUMLAW.COM
WWW.GREENBAUMLAW.COM

[redacted]

[redacted]

REPLY TO: *Woodbridge*

June 7, 2004

VIA FEDERAL EXPRESS

[redacted] Esq., Asst. U.S. Attorney
U.S. Attorney's Office
970 Broad Street, Suite 700
Newark, New Jersey 07102

Re: *Schonbraun Safris McCann Bekritsky & Co., L.L.C.*

b6
b7C

Dear [redacted]

As you know, this firm represents Schonbraun Safris McCann & Bekritsky & Co., L.L.C. ("SSMB"). On January 6, 2004, January 15, 2004, February 27, 2004, and April 1, 2004, I wrote to Special Agent [redacted] requesting the return of certain items seized on December 17, 2003. Copies of these letters are enclosed for your convenience. To date, we have not received some of the items requested, during these written requests and numerous oral requests.

Specifically, among other items, we have not yet received back certain original documents. Those documents related to the [redacted] Family Estate Planning are:

[redacted] Trust 9/30/02
BSS Life Insurance Trust #2
BSS Will 2002 [redacted]
[redacted] Will 2002
[redacted] Family, LLC
BSS Life Insurance Trust u/t/a/d March 10, 2002
Estate Planning 10/1/02 and forward

Contrary to Special Agent [redacted] statements, these documents are, in fact originals.

[redacted]

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194A-NK-109145

[redacted]

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In addition, we have not received back [redacted] Blackberry, although we were assured months ago by Special Agent [redacted] that all relevant information already had been extracted, and that the Blackberry would be returned.

Please advise what, if anything, you can do to expedite the return of these items. Thank you for your cooperation.

Very truly yours,

[redacted]

[redacted]
Enclosures

cc: [redacted] Special Agent *(w/encls.) (via fax and regular mail)*
[redacted] Supervisory Special Agent *(w/encls.) (via fax and regular mail)*

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 08/04/2004

To: Newark

From: Newark
C-8
Contact: SA [redacted]

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b7E

Approved B [redacted]

Drafted By: [redacted]

Case ID #: 194A-NK-109145 (Pending)-109

Title: CHARLES KUSHNER;
ET AL;
OO: NEWARK

Synopsis: EC documenting the return of evidence on 8/2/2004

Details: On 8/2/2004 at 9:00 a.m., the following evidence was returned to Schonbraun Safris McCann & Bekritsky:

1B28, Item #6, [redacted] Family Estate Planning

♦♦

RCT [redacted]

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-109
194A-NK-109145

[redacted]

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 07/12/2004

To: Newark **Attn:** Squad C-8
SA [redacted] b6 b7C b7E

From: Albany
Utica RA
Contact: SA [redacted]

Approved By: [redacted]

Drafted By: [redacted]

Case ID #: 194A-NK-109145 (Pending) 110

Title: CHARLES A. KUSHNER;
et al;
CSLPO - STATE LEVEL;
MAIL FRAUD

GRAND JURY MATERIAL - DISSEMINATE PURSUANT TO RULE 6(e)

Synopsis: Result of lead coverage

Reference: 194A-NK-109145-1, serial 4

Enclosure(s): One CD Rom containing photographs of [redacted] b6 b7C

Details: For the information of Newark, as per the above referenced communication, a lead was set for Albany Division, Utica RA, to assist the Newark Division in covertly developing information needed in order to obtain a search warrant for [redacted] and was believed to be located at his residence, [redacted] Albany furnished the needed information via telcal and E-mail to the Newark Division. On 06/21/2004, SA [redacted] Newark Division, obtained a search warrant for [redacted] in the Northern District of New York (NDNY) at Syracuse, New York.

On 06/22/2004, a joint team of Newark SAs and Albany SAs made entry into [redacted] and conducted a warrant search of the premises. At the conclusion of the search, all seized items were turned over to the custody of the Newark Division. b6 b7C

[redacted]

[redacted]

194A-NK-109145 110

[redacted]

On 07/07/2004, SA [redacted] returned the warrant and copy of an inventory regarding the items seized to the Honorable David E. Peebles, U.S. Magistrate Judge, NDNY, Syracuse, New York.

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In light of the above, Albany is considering this lead covered.

LEAD(s):

Set Lead 1: (Info)

NEWARK

AT NEWARK, NJ

Read and clear.

♦♦

SAR/USAO#2004R00322

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Crim. No.
v.	:	18 U.S.C. §§ 1001, 1513(e) and 2; 26 U.S.C. § 7206(2)
CHARLES KUSHNER	:	

INFORMATION

Defendant Charles Kushner having waived in open court prosecution by indictment and any objections based upon the statute of limitations, the United States Attorney for the District of New Jersey charges:

COUNTS 1 - 16

(Assisting the Preparation of Fraudulent Partnership Returns)

Defendant and Entities

1. Defendant Charles Kushner, a resident of Livingston, New Jersey, was the Chairman of Kushner Companies, a business entity and trade-name which controlled over one-hundred residential, office, hotel, and commercial real-estate partnerships, limited liability corporations and management companies, located primarily in the New Jersey/Tri-State Area (the "Kushner Real Estate Partnerships").

2. Kushner Real Estate Partnerships and Kushner Companies Entities included:

i. Oakwood Apartments LLC which owned Oakwood Village, a 1224-unit residential apartment development located in

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8/30/04

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194A-NK-109145

Flanders, New Jersey.

ii. Quail Ridge L.P. which owned the business entities 8 Quail Ridge Associates, 9 Quail Ridge Associates, and 10 Quail Ridge Associates, which collectively owned Quail Ridge Apartments, a 1032-unit residential apartment development located in Plainsboro, New Jersey.

iii. P.H. Developers L.P. which owned Pheasant Hollow Associates which, in turn, owned Pheasant Hollow, a 440-unit residential apartment development located in Plainsboro, New Jersey.

iv. Westminster Management L.P. which operated as a property management company and collected a management fee from each of the Kushner Real-Estate Partnerships.

3. It was the object of the scheme that defendant Charles Kushner would assist in the preparation of false partnership tax returns in order to evade the paying taxes by the partners of the Kushner Real-Estate Partnerships to the IRS for the true net income of the Kushner Real-Estate Partnerships through the overstatement of deductible business expenses and other means, and thereby cause the understatement of income reported by the Kushner Real-Estate Partnerships' partners.

4. It was part of the scheme that defendant Charles Kushner oversaw the creation of financial reports for the Kushner Real Estate Partnerships which, among other things, improperly

characterized charitable contributions as current business expenses.

5. It was a further part of the scheme that defendant Charles Kushner caused the preparation of the partnership tax returns for the Kushner Real-Estate Partnerships into which he caused the incorporation of these fraudulent and mischaracterized expenses.

6. It was a further part of the scheme that defendant Charles Kushner caused the partnership tax returns for the Kushner Real-Estate Partnerships to be filed with the IRS.

7. It was a further part of the scheme that to disguise the scheme and prevent detection by the IRS, defendant Charles Kushner caused the omission of charitable contributions on the form K-1s distributed at year end to the partners in the Kushner Real-Estate Partnerships.

8. It was a further part of the scheme that in or about July 2000, defendant Charles Kushner caused (a) the approval of a $3,384 payment from Quail Ridge Associates to pay an individual's private school tuition expense, knowing this expense was neither incurred by Quail Ridge Associates nor related to its operation and (b) the recording of this payment as a charitable contribution in Quail Ridge Associates' accounting records.

9. It was a further part of the scheme that in or about December 2000, defendant Charles Kushner caused (a) the approval

of a $7,000 payment from Quail Ridge Associates to pay an individual's private school tuition expense, knowing this expense was neither incurred by Quail Ridge Associates nor related to its operation and (b) the recording of this payment as a charitable contribution in Quail Ridge Associates' accounting records.

10. It was a further part of the scheme that in or about July 2000, defendant Charles Kushner caused (a) the approval of a $3,384 payment from Pheasant Hollow Associates to pay an individual's private school tuition expense, knowing this expense was neither incurred by Pheasant Hollow Associates nor related to its operation and (b) the recording of this payment as a charitable contribution in Pheasant Hollow Associates' accounting records.

The Charge

11. On the dates listed below, in Morris and Essex Counties, in the District of New Jersey and elsewhere, defendant

CHARLES KUSHNER

did knowingly and willfully assist in the preparation of U.S. Partnership Tax Returns, Forms 1065, which were fraudulent and false as to material matters knowing that the returns were false and fraudulent as set forth below:

COUNT	PARTNERSHIP NAME	TAX YEAR	FILING DATE	FALSE MATTERS
1	Oakwood Apartments LLC	1998	April 14, 1999	$42,685 in fraudulent office expenses

2	Oakwood Apartments LLC	1999	April 16, 2000	$91,264 in fraudulent office expenses
3	Oakwood Apartments LLC	2000	April 15, 2001	$65,057 in fraudulent office expenses
4	Pheasant Hollow Associates	1998	April 14, 1999	$1,050 in fraudulent office expenses
5	Pheasant Hollow Associates	1999	April 16, 2000	$41,356 in fraudulent office expenses
6	Pheasant Hollow Associates	2000	April 18, 2001	$142,030 in fraudulent office expenses
7	8 Quail Ridge Associates	1998	April 17, 1999	$20,521 in fraudulent office expenses
8	9 Quail Ridge Associates	1998	April 17, 1999	$23,941 in fraudulent office expenses
9	10 Quail Ridge Associates	1998	April 17, 1999	$10,688 in fraudulent office expenses
10	8 Quail Ridge Associates	1999	April 13, 2000	$44,280 in fraudulent office expenses
11	9 Quail Ridge Associates	1999	April 16, 2000	$51,658 in fraudulent office expenses
12	10 Quail Ridge Associates	1999	April 13, 2000	$23,062 in fraudulent office expenses
13	8 Quail Ridge Associates	2000	April 15, 2001	$129,909 in fraudulent office expenses
14	9 Quail Ridge Associates	2000	April 15, 2001	$151,554 in fraudulent office expenses

15	10 Quail Ridge Associates	2000	April 15, 2001	$67,660 in fraudulent office expenses
16	Westminster Management LP	2000	April 16, 2001	$112,250 in fraudulent office expenses

In violation of Title 26, United States Code, Section 7206(2).

COUNT 17

(Retaliating Against Cooperating Witness 1)

1. Paragraph 1 of Counts 1 to 16 are hereby incorporated and realleged as if fully set forth herein.

2. In or about February 2003, investigating federal law enforcement authorities began a Grand Jury Investigation. The Grand Jury Investigation focused on, among other things, defendant CHARLES KUSHNER'S control of over one-hundred real estate partnerships which he and various associates had allegedly used to defeat federal tax laws and circumvent federal campaign contribution limitations.

3. Since in or about March 2003, defendant CHARLES KUSHNER was aware of the Grand Jury Investigation and that Cooperating Witness 1, a close relative of defendant CHARLES KUSHNER, was providing information to investigating law enforcement authorities in connection with the Grand Jury Investigation. Cooperating Witness 1 is married to Cooperating Witness 2.

4. In or about August 2003, defendant CHARLES KUSHNER hired a private investigator (the "Private Investigator") and his associate (the "Associate") to arrange for and videotape the seduction of Cooperating Witness 2 by an escort/call girl ("Woman 1") and to videotape their sexual liaison.

5. On or about December 5, 2003, the Private Investigator, the Associate and Woman 1 successfully completed the plan to

seduce and videotape Cooperating Witness 2.

6. On or about May 7, 2004, certain business associates of defendant CHARLES KUSHNER received letters from the U.S. Attorney's Office indicating that they were targets of the Grand Jury Investigation.

7. On or about May 9, 2004, defendant CHARLES KUSHNER instructed the Associate that he wanted a copy of the videotape depicting Cooperating Witness 2 having sexual intercourse with Woman 1 along with still photographs created from the videotape, to be mailed to Cooperating Witness 1. Defendant CHARLES KUSHNER also instructed the Associate that he wanted the videotape and still photographs to be mailed from Canada and that they should arrive at Cooperating Witness 1's home prior to a scheduled family party.

8. On or about May 9, 2004, the Associate communicated to the Private Investigator defendant CHARLES KUSHNER's instructions to mail to Cooperating Witness 1 the videotape and still photographs of Cooperating Witness 2 having sexual intercourse with Woman 1.

9. On or about May 10, 2004, the Private Investigator traveled to a location in upstate New York and placed in the mail a package, addressed to Cooperating Witness 1, containing the videotape and still photographs.

10. On or about May 13, 2004, the above-described package

mailed by the Private Investigator arrived at the residence of Cooperating Witness 1 in Essex County, New Jersey and was opened by Cooperating Witness 1.

11. From in or about August 2003 to on or about May 12, 2004, in Essex County, in the District of New Jersey and elsewhere, defendant

CHARLES KUSHNER

did knowingly and willfully, and with the intent to retaliate, take action harmful to a person, namely Cooperating Witness 1, for providing to a law enforcement officer truthful information relating to the commission and possible commission of Federal offenses.

In violation of Title 18, United States Code, Sections 1513(e) and 2.

COUNT 18

(False Statement in an FEC Matter)

1. Paragraph 1 of Counts 1 to 16 are hereby incorporated and realleged as if fully set forth herein.

2. Between in or about 1999 and in or about 2002, defendant Charles Kushner, without the knowledge or permission of certain partners of the Kushner Real-Estate Partnerships, caused federal political campaign contributions in excess of $385,000 to be made in the name of said partners.

3. Between in or about 2000 and in or about 2002, in Florham Park, in the District of New Jersey and elsewhere, defendant

CHARLES KUSHNER

in a matter within the jurisdiction of an agency of the Executive Branch of the Government of the United States, that is, the Federal Election Commission (the "FEC"), did knowingly and willfully make and cause to be made materially false, fictitious and fraudulent statements and representations in that defendant provided to the FEC letters and schedules which falsely allocated campaign contributions to certain individuals who had no

knowledge that contributions were being made in their name, nor had consented to the making of a contribution.

In violation of Title 18, United States Code, Sections 1001(a)(2) and 2.

CHRISTOPHER J. CHRISTIE
United States Attorney

CASE NUMBER: _____

United States District Court
District of New Jersey

UNITED STATES OF AMERICA

v.

CHARLES KUSHNER

INFORMATION FOR

18 U.S.C. §§ 1001, 1513(e) and 2
26 U.S.C. § 7206(2)

Christopher J. Christie
U.S. Attorney
Newark, New Jersey

Ralph J. Marra, Jr.
Scott A. Resnik
Assistant U.S. Attorneys
Newark, New Jersey
(973) 645-2737

GREENBAUM, ROWE, SMITH, RAVIN, DAVIS & HIMMEL LLP

[redacted]

COUNSELLORS AT LAW

METRO CORPORATE CAMPUS ONE
P.O. BOX 5600
WOODBRIDGE, N. J. 07095-0988
(732) 549-5600
FAX (732) 549-1881

DELIVERY ADDRESS:
99 WOOD AVE. SOUTH
ISELIN, NEW JERSEY 08830-2712

6 BECKER FARM RD.
ROSELAND, NEW JERSEY 07068-1735
(973) 535-1600
FAX (973) 535-1698

EMAIL: INFO@GREENBAUMLAW.COM
WWW.GREENBAUMLAW.COM

[redacted]

WM. L. GREENBAUM (1914-1992) [redacted]

REPLY TO: *Woodbridge*

b6
b7C

April 1, 2004

Special Agent [redacted]
Federal Bureau of Investigation
11 Centre Place
Newark, NJ 07102

b6
b7C

VIA FEDERAL EXPRESS

Re: *Schonbraun Safris McCann Bekritsky & Co., L.L.C.*

Dear Special Agent [redacted]

As you know, this firm represents Schonbraun Safris McCann & Bekritsky & Co., L.L.C. ("SSMB"). On January 6, 2004, January 15, 2004 and February 27, 2004, I wrote to you requesting the return of certain items seized on December 17, 2003. Copies of these letters are enclosed for your convenience. To date, we have not received some of the items requested.

Specifically, among other items, we have not yet received back certain original documents. Those documents related to the [redacted] Family Estate Planning are:

[redacted] Trust 9/30/02
BSS Life Insurance Trust #2
BSS Will 2002 [redacted]
[redacted] Will 2002
[redacted] Family, LLC
BSS Life Insurance Trust u/t/a/d March 10, 2002
Estate Planning 10/1/02 and forward

In addition, we have not received back [redacted] Blackberry, although we were assured by you that all relevant information already had been extracted.

[redacted]

-113

194A-NK-109145

[redacted]

b6
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Please advise when these documents and items will be returned.

Very truly yours,

[redacted]

[redacted]
Encls.

cc: [redacted] Supervisory Special Agent *(w/encls.) (via fax and regular mail)*
[redacted] AUSA *(w/encls.) (via FedEx)*

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1363757-000

Total Deleted Page(s) = 69
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744 BROAD STREET, SUITE 1200
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PHONE: 973.424.2000
FAX: 973.424.2001

A Delaware limited liability partnership
WALTER J. GREENHALGH, RESIDENT PARTNER

FACSIMILE TRANSMITTAL SHEET

TO:	Special Agen [redacted] b6 b7C b7E
FIRM/COMPANY:	Federal Bureau of Investigation
FACSIMILE NUMBER:	[redacted]
CONFIRMATION TELEPHONE:	
FROM:	[redacted]
DIRECT DIAL:	
DATE:	September 7, 2004
USER NUMBER:	[redacted]
FILE NUMBER:	99999-99999
TOTAL # OF PAGES: (INCLUDING COVERSHEET)	2
MESSAGE:	

NOTE: Original will follow via Regular Mail

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If there is a problem with this transmission, please call us as soon as possible at 973.424.2000.

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1948-NK-109145

[redacted]

DuaneMorris 1904-2004 100th Anniversary

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b6
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www.duanemorris.com

September 7, 2004

VIA FACSIMILE
AND REGULAR MAIL
Special Agent
Federal Bureau of Investigation
11 Center Place
Newark, New Jersey 07102

b6
b7C

Re:

Dear Agent

We are the attorneys for This will confirm that the interview with that you previously scheduled for tomorrow night at 6:00 p.m. at home has been adjourned

This will also confirmed that you have represented to me that is neither a target nor a subject in your pending investigation.

FD-515 (Rev. 8-1-00)

squad supervisor approval please initial)

Accomplishment Report

(Accomplishment must be reported and loaded into ISRAA within 30 days from date of accomplishment)

Date Prepared 7/15/04
Date Loaded 7/21/04
Data Loader's Initials

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b7C
b7E

Accomplishment involves: (check all that apply)

- Drugs ☐
- A Fugitive ☐
- Bankruptcy Fraud ☐
- Computer Fraud/Abuse ☐
- Corruption of Public Officials ☒
- Money Laundering ☐
- Sub Invest Asst by FO (s) ☐

Asst. FO(s) AL, __, __, __ (A, B, C, D)

Task Force

File Number
194A-NK-109145

Stat Agent Soc. Sec. No.

Stat Agent Name

RA	Squad
	C-8

Investigative Assistance or Technique Used

1-Used, but did not help
2-Helped, minimally
3 - Helped, substantially
4 - Absolutely essential
For Sub. Invest. Assist. by other FO (s) indicate A,B,C,D for corresponding FO

Rate	FO	IAT	Rate	FO	IAT	Rate	FO	IAT	Rate	FO	IAT
		Fin. Analyst			ab. Div. Exan			UCO - Group I			Ft. Mon.- ITC
		Aircraft Asst.			ab. Field Sup			UCO - Group II			For. Lang Asst.
		Computer			en Registers			UCO - Nat. Back			Non FBI Lab Ex
		Consen Mon.			hoto Cover.			NCAVC / VI - CA			Vict-Witn Coor
		Elsur / FISC			olygraph			Crim/NS Intel Ass			IO Wanted Flyer
		Elsur / T. III			earch Warran			Crisis Neg. - Fed.			SARs
		Eng. Field Spt			how Money			Crisis Neg. - Loca			CART
		Eng. Tape Ex			OG Asst.			ERT Asst.			
		Legats Asst.			wat Team			Butte - ITC			
		Evid Purchase			ech. Ag/Equip			Sav - ITC			
		Inf/CW Info			hone Toll Re			Poc - ITC			

A. Complaint / Information / Indictment

☒ Federal ☐ Local ☐ International
Complaint Date: 7/12/04
Check if Civil Rico Complaint ☐
Information Date: _____
Indictment Date: _____

B. Locate/ Arrest

☒ Federal ☐ Local ☐ International
Subject Priority: ☐ A ☐ B ☒ C
Locate Date: _____
Arrest Date: 7/13/04
☐ Subject Resisted Arrest
☐ Subject Arrested was Armed

C. Summons Date: _____
☐ Federal ☐ Local

D. Recovery/Restitution/PELP X

☐ Federal ☐ Local ☐ International
Recovery Date: _____
Code • _____ ✓ Amount $_____
Code • _____ ✓ Amount $_____
Restitution Date: _____
☐ Court Ordered ☐ Pretrial Diversion
Code • _____ ✓ Amount $_____
PELP Date: _____
Code • _____ ✓ Amount $_____

E. Hostage(s) Released Date: _____
Released by: ☐ Terrorist ☐ Other
Number of Hostages: _____
Child Located Date: _____

F. Conviction

☐ Federal ☐ Local ☐ International
Conviction Date: _____
Subject Description Code: _____ •(___)•
For 6F, G, H-Include Agency Code
☐ Felony or ☐ Misdemeanor
☐ Plea or ☐ Trial
State: _____ Judicial District: _____

G. U.S. Code Violation

Required for sections A,B,F,and J (Federal Only)

Title	Section	# Counts
18	371	1
18	1503	1
18	1513(e)	1

H. Sentence Date: _____
Sentence Type: _____, _____, _____ •
In Jail: Years_____ Months _____
Suspended: Years_____ Months _____
Probation: Years_____ Months _____
Fines: $_____

I. Disruption/Dismantlement:

Disruption Date: _____
Dismantlement Date: _____
Completion of FD-515a Side 2 **Mandatory**

J. Civil Rico Matters Date: _____
Also Complete "Section G"
Other Civil Matters Date: _____
Judgment ___ ___ ___ ___ •
Judicial Outcome ___ ___ ___ ___ •x
Amount $_____
Suspension: Years _____ Months _____

K. Administrative Sanction Date: _____
Subject Description Code _____ •
Type: Length:
☐ Suspension ☐ Permanent
☐ Debarment or
☐ Injunction Year_____ Months _____

L. Asset Seizure Date: _____
Asset Forfeiture Date: _____
CATS # **Mandatory** _____
Check one of the three:
☐ Asset Forfeiture - Administrative
☐ Asset Forfeiture - Civil Judicial
☐ Asset Forfeiture - Criminal
Do **not** indicate $ value in Section D

M. Acquittal / Dismissal / Pretrial Diversion

Acquittal Date: _____
Dismissal Date: _____
Pretrial Diversion Date: _____

N. Subject Information (Required for all Sections excluding Section D (Recovery/PELP), Section E (Hostage), Section I, and Section L).

Name	Race •	Sex	Date of Birth	Social Security No. (if available)
CHARLES KUSHNER	W	M		

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For Indictments/Convictions only:
☐ Subject related to an LCN, Asian Organized Crime (AOC), Italian Organized Crime (IOC), Russian/Eastern European, Caribbean, or Nigerian Organized Crime Group - Complete FD-515a, Side 1 Blocks A-E mandatory, F-H as appropriate.
☐ Subject related to an OC/Drug Organization, a VCMO Program National Gang Strategy target group, or a VCMO Program National Priority Initiative target group - Complete FD-515a, Side 1 Blocks A-C only.

x Additional information may be added by attaching another form or a plain sheet of paper for additional entries.
• See codes on reverse side.
✓ Requires that an explanation be attached and loaded into ISRAA for recovery over $1m and PELP over $5m.

Serial No. of FD-515: 118

For Further Instructions See: MAOP, Part I, Sections 3-5 thru 3-5.3.

PROPERTY CODES

01 Cash
02 Stocks, Bonds or Negot. Instruments
03 General Retail Merchandise
04 Vehicles
05 Heavy Machinery & Equipment
06 Aircraft
07 Jewelry
08 Vessels
09 Art, Antiques or Rare Collections
11 Real Property
20 All Other

SENTENCE TYPES

CP Capital Punishment
JS Jail Sentence
LP Life Parole
LS Life Sentence
NS No Sentence (Subject is a Fugitive, Insane, has Died, or is a Corporation)
PB Probation
SJ Suspension of Jail Sentence
YC Youth Correction Act

PELP CODES

22 Counterfeit Stocks/Bonds/Currency/ Negotiable Instruments
23 Counterfeit/Pirated Sound Recordings or Motion Pictures
24 Bank Theft Scheme Aborted
25 Ransom, Extortion or Bribe Demand Aborted
26 Theft From or Fraud Against Government Scheme Aborted
27 Commercial or Industrial Theft Scheme Aborted
30 All Other

RACE CODES

A Asian/Pacific Islander
B Black
I Indian/American
U Unknown
W White
X Nonindividual

AGENCY CODES

AFOIS Air Force Office of Special Investigations
ACIS Army Criminal Investigative Service
BATF Bureau of Alcohol, Tobacco & Firearms
BIA Bureau of Indian Affairs
DCAA Defense Contract Audit Agency
DCIS Defense Criminal Investigative Service
DEA Drug Enforcement Administration
DOC Department of Corrections
DOI Dept. of Interior
EPA Environmental Protection Agency
FAA Federal Aviation Administration
FDA Food and Drug Administration
HHS Dept. of Health & Human Services
HUD Dept. of Housing & Urban Development
INS Immigration and Naturalization Service
IRS Internal Revenue Service
NASA Nat'l Aeronautics & Space Admin
NBIS Nat'l NARC Border Interdiction
NCIS Naval Criminal Investigative Service
RCMP Royal Canadian Mounted Police
SBA Small Business Administration
USBP U.S. Border Patrol
USCG U.S. Coast Guard
USCS U.S. Customs Service
USDS U.S. Department of State
USMS U.S. Marshals Service
USPS U.S. Postal Service
USSS U.S. Secret Service
USTR U.S. Treasury
LOC Local
CITY City
COUN County
ST State
OTHR Other

JUDGMENT CODES

CJ Consent Judgment
CO Court Ordered Settlement
DF Default Judgment
DI Dismissal
JN Judgment Notwithstanding
MV Mixed Verdict
SJ Summary Judgment
VD Verdict for Defendant
VP Verdict for Plaintiff

JUDICIAL OUTCOME

AG Agreement
BR Barred/Removed
CC Civil Contempt
DC Disciplinary Charges
FI Fine
PI Preliminary Injunction
PR Temporary Restraining Order
PS Pre-filing Settlement
RN Restitution
SP Suspension
VR Voluntary Resignation
OT Other

SUBJECT PRIORITY

A Subject wanted for crimes of violence (i.e., murder, manslaughter, forcible rape) against another individual or convicted of such a crime in the past five years

B Subject wanted for crimes involving loss or destruction of property valued in excess of $25,000 or convicted of such a crime in the past five years.

C All other subjects.

SUBJECT DESCRIPTION CODES

ORGANIZED CRIME SUBJECTS

1F Boss
1G Underboss
1H Consigliere
1J Acting Boss
1K Capodecina
1L Soldier

KNOWN CRIMINALS

2A Top Ten or I.O. Fugitive
2B Top Thief
2C Top Con Man

FOREIGN NATIONALS

3A Legal Alien
3B Illegal Alien
3C Foreign Official W/out Diplomatic Immunity
3D U.N. Employee W/out Diplomatic Immunity
3E Foreign Student
3F All Others

OTHERS

8A All Other Subjects
8B Company or Corporation

TERRORISTS

4A Known Member of a Terrorist Organization
4B Possible Terrorist Member or Sympathizer

UNION MEMBERS

5D President
5E Vice-President
5F Treasurer
5G Secretary/Treasurer
5H Executive Board Member
5I Business Agent
5J Representative
5K Organizer
5L Business Manager
5M Financial Secretary
5N Recording Secretary
5P Office Manager
5Q Clerk
5R Shop Steward
5S Member
5T Trustee
5U Other

GOVERNMENT SUBJECTS
(6F,6G,6H- Include Agency Code)

6A Presidential Appointee
6B U.S. Senator/Staff
6C U.S. Representative/Staff
6D Federal Judge/Magistrate
6E Federal Prosecutor
6F Federal Law Enforcement Officer
6G Federal Employee - GS 13 & Above
6H Federal Employee - GS 12 & Below
6J Governor
6K Lt. Governor
6L State Legislator
6M State Judge/Magistrate
6N State Prosecutor
6P State Law Enforcement Officer
6Q State - All Others
6R Mayor
6S Local Legislator
6T Local Judge/Magistrate
6U Local Prosecutor
6V Local Law Enforcement Officer
6W Local - All Others
6X County Commissioner
6Y City Councilman

BANK EMPLOYEES

7A Bank Officer
7B Bank Employee

07/22/2004 ********** COMPLAINT **********

~~SENSITIVE~~ / UNCLASSIFIED

Case Number: 194A-NK-109145
Serial No.:

Stat Agent Name: [redacted]
Stat Agent SOC.: [redacted]

Report Date: 07/22/2004
Accom Date.: 07/13/2004

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Does Accomplishment Involve		Assisting Agents SOC	Subject Name
Drugs	N	[redacted]	KUSHNER, CHARLES, A
A Fugitive	N		
Bankruptcy Fraud	N		
Computer Fraud/Abuse	N		RA: HQ; Squad: C8; Task Force:
Corruption of Public Officials	Y		
Money Laundering	N		

Sub. Invest. Asst by Other FOs:

1 = Used, but did not help
2 = Helped, Minimally
3 = Helped, Substantially
4 = Absolutely Essential

Investigative Assistance or Technique Used

FINAN ANALYST	LAB DIV EXAMS	UCO-GROUP I	FT. MON-NRCSC
AIRCRAFT ASST	LAB FIELD SUP	UCO-GROUP II	FOR LANG ASST
COMPUTER ASST	PEN REGISTERS	UCO-OTHER	NON FBI LAB EX
CONSEN MONITR	PHOTO COVERGE	NCAVC/VI-CAP	VICT-WITN COOR
ELSUR/FISC	POLYGRAPH	CRIM/NS INTEL	IO WANTED FLYR
ELSUR/III	SRCH WAR EXEC	CRIS NEG-FED	SARS
ENG FIELD SUP	SHOW MONEY	CRIS NEG-LOC	CART
ENG TAPE EXAM	SOG ASST	ERT ASST	ASSET FORF PRO
LEGATS ASST.	SWAT TEAM	BUTTE-ITC	FORF SUPPORT P
EVIDNCE PURCH	TECH AG/EQUIP	SAVANNAH-ITC	
INFORMANT/CW	TEL TOLL RECS	POC-WRCSC	

Complaint is for Federal/Local/International (F/L/I)... : F
Civil Rico Complaint (Y/N).....: N

United States Code Violation

Title	Section	Counts
18	371	1
18	1503	1
18	1514E	1

Accomplishment Narrative

1904-2004
Duane Morris
100th Anniversary
ERIC R. BRESLIN
744 BROAD STREET, SUITE 1200
NEWARK, NJ 07102-3889

NEWARK NJ JAN 10 PM
NJ
PB METER 8103398 U.S. POSTAGE

Special Agent [redacted]
Federal Bureau of Investigation
11 Center Place
Newark, New Jersey 07102

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X-RAYED
DATE 9-8-04
INITIALS [redacted]

07102+4533

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/08/2004

[redacted] Date of Birth (DOB) [redacted] b6 b7C
[redacted] cell phone number [redacted]
was advised of the identity of the interviewing agent and the purpose of the interview. [redacted] then furnished the following information:

[redacted] b6 b7C

[redacted] was informed that his previous statement documented in a FEDERAL BUREAU OF INVESTIGATION form FD-302 dated June 22, 2004, stated that he [redacted] stated he was not sure why the form FD-302 stated [redacted] b6 b7C

[redacted] b6 b7C

[redacted]

Investigation on 10/8/2004 at Newark, NJ (telephonically)

File # 194A-NK-109145 SUB 1 HQ Date dictated 10/8/2004 b6 b7C

by SA [redacted]

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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194A-NK-109145 Serial

DRAFT – WITHOUT EXHIBITS

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY: NEWARK

UNITED STATES OF AMERICA	
-against-	CR 04-580 (JLL)
CHARLES KUSHNER	
Defendant	

SENTENCING MEMORANDUM SUBMITTED ON BEHALF OF CHARLES KUSHNER

[redacted]

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194A-NK-189145

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY: NEWARK

UNITED STATES OF AMERICA	:	
	:	
-against-	:	
	:	CR 04-580 (JLL)
CHARLES KUSHNER	:	
	:	
Defendant	:	

PRELIMINARY STATEMENT

This Sentencing Memorandum is respectfully submitted on behalf of **CHARLES KUSHNER** to aid this distinguished Court in determining the appropriate sentence to impose in this difficult case.

INTRODUCTION - CASE BACKGROUND

This is a very sad case. A personal, private, family dispute among adult siblings, escalated to a point beyond control, ultimately spiraling into a sordid ugly tale of vindictive, self-destructive criminal behavior that has now ended with the public humiliation and virtual destruction of a truly **extraordinary** man. In this case, there are no winners. There is contrition, grief, regret, loss, devastating heartbreak and at least by one courageous man, acceptance of full responsibility for his crimes.

Charles Kushner, with head bowed, genuinely ashamed, now stands before this distinguished Court prepared to accept whatever punishment your Honor in his infinite wisdom determines to be appropriate. All he seeks is a full and fair consideration of the facts, and an appreciation of where all of the many characters in this tragic episode reside in what is a very dark chapter in the story of an otherwise truly distinguished family.

Charles Kushner is aware that there is **nothing** he can say to this Court, to his family or to his Community that will ever excuse his behavior. Mr. Kushner recognizes as well that there is nothing he or his counsel can

say that could defend the conduct he stands convicted of. Nor is there any relevant argument that we offer to mitigate the impact of Charlie's criminal conduct on those who in this case are classified as the victims of his crimes. [1]

In this case there are only victims. Some clearly victimized by Charles Kushner, others, who although not criminally responsible before this Court, have nevertheless intentionally victimized Charles Kushner. None of the participants in this case come into or leave this saga with completely clean hands.

A FAMILY FEUD BECOMES A HORRIFIC NIGHTMARE

The report prepared by the Department of Probation briefly touches upon the private Kushner family feud. We submit with great respect that for counsel to dwell on that dispute would not be appropriate, as nothing that

[1] Counsel are well aware that in addition to the crime of **Witness Retaliation**, Mr. Kushner has also pleaded guilty to various tax crimes relating to "charitable contributions" being made from real estate partnerships, as well as to a crime relating to a false written submission that violated Campaign Finance Laws. We respectfully note however that it was the Witness Retaliation conduct that prompted Mr. Kushner's summary arrest last July, not any other criminal charges that are nevertheless covered by his Plea Agreement. Indeed, at the time of Charles' arrest, despite an extensive investigation, Charles Kushner himself was not identified as a "target" of the tax investigation. Accordingly, while we do not minimize Mr. Kushner's role in the other crimes he has fully acknowledged participation in, the substance of this Memorandum will primarily address the Witness Retaliation charges, which counsel believe may give this Court the greatest pause in wrestling with the question of how or why a man like Charlie Kushner got to the point where he would contemplate engaging in truly offensive behavior against a member of his own family.

happened in the course of the bitter protracted Kushner sibling rivalry justified the criminal conduct that Charlie engaged in.

On the other hand, it would be terribly unfair to this Court for us to simply ignore the events that immediately preceded Charlie's decision if you will to "retaliate" against members of his family, as it would leave this court with no context within which to at least try to understand what might prompt a man like Charlie Kushner to do that which he did. Accordingly, a very brief outline of the tragic sequence of events is provided for the benefit of your Honor as part of the materials to be considered at the time of sentence.

KUSHNER COMPANIES

Kushner Companies was formed by Charlie Kushner and his late father Joseph Kushner of Blessed Memory, shortly before his father's death in 1985. Kushner Companies was never a family business despite it being so characterized by those who do not understand its true origin.

Although devastated by his father's unexpected death less than a year after he and his father formed Kushner Companies, to his great credit, Charlie Kushner with great foresight, hard work and true genius, took that

small real estate company and turned it into the extraordinary success it is today, managing more than **3 billion** dollars worth of real estate assets.

[redacted] b6 b7C

As Charlie's personal success flourished, [redacted] b6 b7C

[redacted]

[redacted] The bitter dispute began and the rest as they say is history.

[redacted] b6 b7C

[redacted] The bitterness continued on both sides culminating in a barrage of civil litigation initiated by [redacted] against Charlie and Kushner Companies that eventually found its way into the public record resulting in Charlie's humiliation.

In this Memorandum, we choose however, not to dwell on the other participants in this sad story. We write only about Charles Kushner. We write on his behalf, not to excuse his conduct or to defend his crimes.

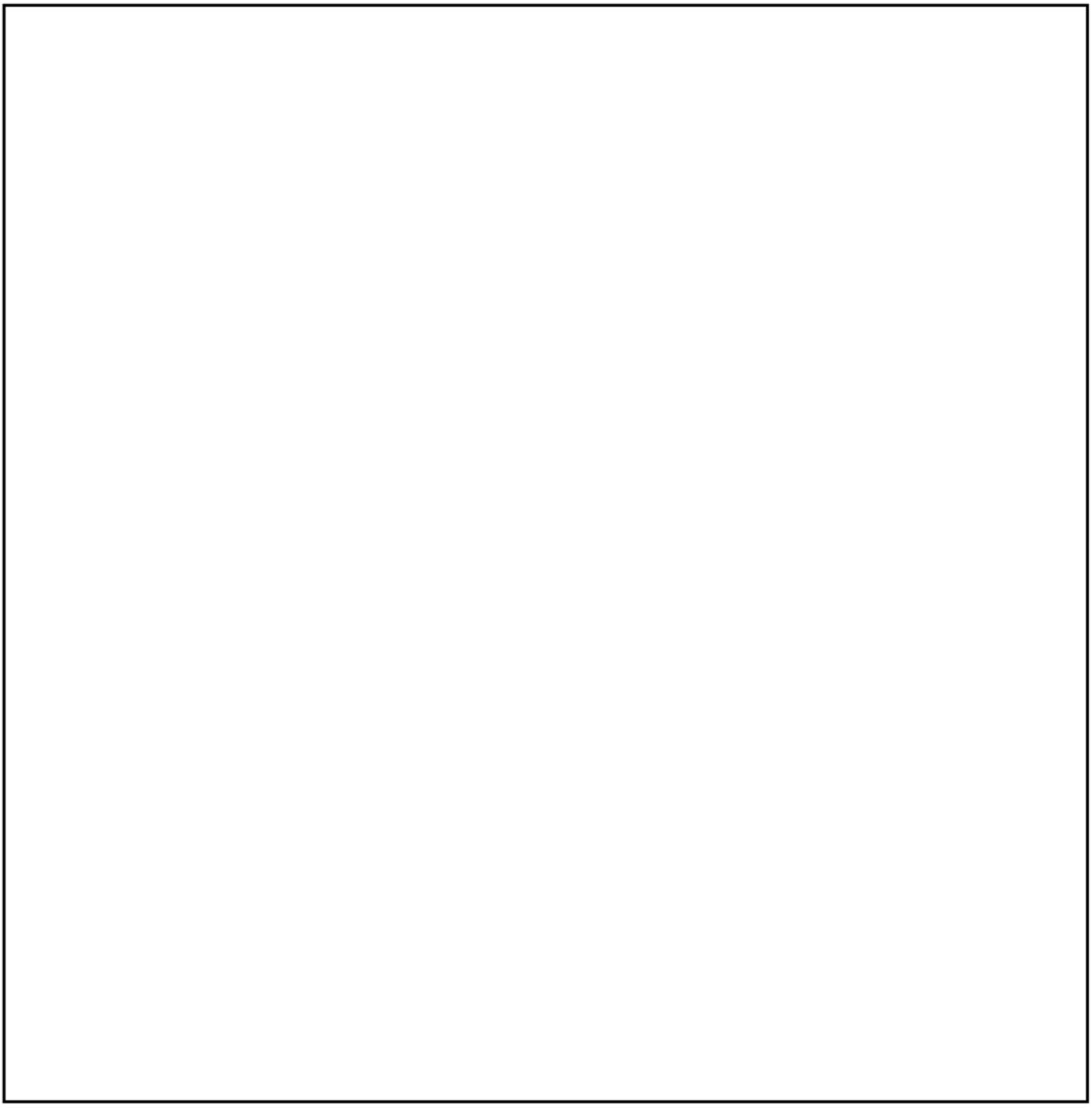
We write for one purpose and one purpose only – to respectfully bring to your Honor's attention a full awareness of the fact that this Court now has the awesome responsibility of sentencing Charles Kushner, a man who although obviously flawed, has nevertheless done so much good for his fellow citizens that his "extraordinary" conduct simply cannot be ignored on what for Charles Kushner, is his **JUDGMENT** day in this, his only lifetime.

MR. KUSHNER PLEADED GUILTY ALMOST IMMEDIATELY AFTER HIS ARREST, EVIDENCING WHAT CAN ONLY BE CHARACTERIZED AS EXTRAORDINARY ACCEPTANCE OF RESPONSIBILITY

To his credit, Mr. Kushner publicly acknowledged his criminal conduct in August, only a few **weeks** after his arrest in July of 2004. His decision to plead guilty even before indictment, demonstrates the clearest of evidence that his remorse is genuine, that his acceptance of responsibility is indeed very sincere. Charlie's very public plea we submit, also highlights the quality and vastness of his personal disgrace and humiliation, a punishment that by itself is almost overwhelming, a punishment that he will continue to endure for the rest of his life regardless of the actual sentence imposed by this Court.

With great appreciation and respect for the scholarship and personal integrity of this court, counsel for Charles Kushner beg for this Court's indulgence as we provide your Honor in this Memorandum with what we believe to be a compelling set of materials that must be carefully studied so that perhaps, the bizarre facts of this terrible case can be understood, but more importantly, so that this Court will have a completely legitimate basis upon which to conclude that despite his criminal conduct, Charles Kushner

has truly earned the compassion of this Court, at this, the most frightening moment of his life.



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[2] **Volume** I contains the letters that are specifically referred to in the body of this Sentencing Memorandum. For the convenience of the Court the remaining **Volumes** contain copies of the hundreds of additional letters written to your Honor on behalf of Charles Kushner. All of the original letters are also provided to the Court in separate Exhibit folders.

[redacted]

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So too in Mr. Kushner's own private letter to your Honor (Exhibit **2**) the regret for his criminal behavior is obvious and sincere. He accepts responsibility for his crimes without excuse or defense and in his own private way describes for this distinguished Court his own private "hell" for which he has only himself to blame. Indeed, Mr. Kushner sadly but ever so honestly explains how the punishment this Court ultimately imposes will only add to the punishment he has already endured and will continue to endure for the rest of his life.

With great respect, we ask your Honor to read the letters from [redacted] and Charlie Kushner that are addressed to this Court as well as the letter from Charlie to [redacted] before reading any of the other hundreds of letters we have provided. We honestly believe that in their own words, [redacted] and Charlie better than anyone else, bring to your Honor's attention many critical facts and deeply truthful observations that will allow this Court to conclude that in this case, a sentence that mixes justice with compassion is indeed most appropriate.

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THE PLEA AGREEMENT

In sentencing **CHARLES KUSHNER**, counsel submit that this Court is presented with one of the most difficult decisions ever presented to any District Court in any jurisdiction. Thus, while the facts of this case are relatively easy to understand, the defendant himself nevertheless presents as one of the most complicated and in many ways most **extraordinary** men counsel have ever had the privilege of representing.

With great appreciation and deep respect for the scholarship, wisdom and integrity of this Court, counsel asks for the Court's patience as we provide your Honor with a sentencing submission that we honestly believe will, when carefully studied provide this Court with a basis from which to more fully appreciate the deeply compelling arguments advanced by counsel for Mr. Kushner as to why he should be sentenced to the lowest sentence of incarceration this Court deems appropriate.

Counsel fully understand the specific terms of the defendant's Plea Agreement, which in pertinent part preclude counsel for Mr. Kushner from applying for a downward departure from the stipulated Guideline sentencing range of **18-24 months** imprisonment set out in the Agreement.

We recognize that counsel are precluded from applying for a downward departure on any ground, including the positively **"extraordinary"** involvement by Mr. Kushner in a lifetime of charitable and civic work; good deeds is so **extraordinary** as to be without precedent we submit in any case, on any level in any jurisdiction.

Counsel understand that the stipulated sentencing range of **18-24** months imprisonment, is not binding on this Court but is binding on counsel for Mr. Kushner and the Government. Because the Agreement between the parties however, does allow for discretion within the stipulated range, we ask your Honor to consider all of the information set out herein and in the more than **700** compelling letters addressed to the Court by the wonderful people who plead for leniency on Charlie Kushner's behalf.

Through these materials we hope to persuade your Honor that **18** months, the lowest end of the agreed upon range, is not only enough of a prison sentence, in fairness, it should be considered by your Honor to be the longest sentence of imprisonment to even consider in the case of Charles Kushner, a man who, despite his criminal conduct, has nevertheless saved the lives of dozens of private citizens and who, by his amazing kindness has positively impacted on the lives of thousands.

THE CHARLIE KUSHNER STORY BEGINS

In the pages that follow, counsel have undertaken with great effort to weave for your Honor a truthful tale of basic human kindness. Instead of trying to tell your Honor of the wonderful things Charlie has done, we offer the words of those for whom he did them. All of the stories are quite remarkable. Some of the stories may appear too good to be true. All of them are **true**.

In trying to prove to your Honor how **special** Charlie is, we have limited the excerpts contained in this Memorandum only to those that are truly quite extraordinary. What we stress, are private acts of kindness never before publicly discussed, brought to the attention of this Court with the permission and at times, at the insistence of those who have waited years to find some way to try and repay Charlie, whose generosity of spirit changed the lives of many who now proudly plead to your Honor for leniency on Charlie's behalf.

Some of the letters detail sweet acts of unsolicited kindness extended by Charlie at a time of family crisis or sadness; a hospital visit, a blood transfusion, a condolence call, the offer of employment, a letter of recommendation. Other letters talk of lives actually saved by Charles

Kushner; a heart transplant he arranged for, the bone marrow transfusion he made possible, the neurosurgery he underwrote, the emergency life saving financial assistance he provided to so many, the employment he made possible to those who were thought to be unemployable, the education he made possible to so many "special" children, young children suffering from Down Syndrome, Autism and so many other dreaded childhood infirmities.

Many of the letters come from strangers whose crisis Charlie became aware of and like a real life **hero** just did what had to be done to save the day. Not one day, but **hundreds** of days, acting quietly with dignity, confidence and always, with class.

Instead of trying to prepare the Court for the powerful impact of these many personal writings, we choose instead to let the army of Charlie's people speak for themselves.

CHARLES KUSHNER'S VERY "PRIVATE" ACTS OF CHARITY ARE TRULY AMAZING – THERE IS SIMPLY NO OTHER WAY TO CHARACTERIZE THEM

Your Honor should understand, that Mr. Kushner would **not** initially permit his lawyers to disclose to this Court the many hundreds of extraordinary, but very **"private"** acts of kindness performed by him over a lifetime of **"anonymous"** charity.[3] Mr. Kushner was concerned about the possible intrusion into the privacy of those families he helped and thus he would not permit counsel to use his acts of pure kindness for his own benefit, assuming this Court will conclude as we have, that his truly amazing acts of kindness has made Charlie Kushner a remarkable man, who has really earned this Court's honest compassion.

As counsel, however, became more and more aware of the many wonderful things Charles Kushner has done for others over a lifetime of goodness, we urged Mr. Kushner to permit us to bring this information to your Honor's attention. In truth, counsel insisted, explaining that Charlie owed it to [redacted] who have also suffered so much public

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[3] The general public is of course well aware of the many **public** acts of charity that Charles Kushner has participated in, the hospital endowments, scholarships to schools of higher education and other massive infusions of his funds for the general benefit of the public. In this Memorandum, however, we stress the amazing **"private"** acts of extraordinary kindness that have never before been publicly discussed, extensions of charity and meaningful assistance by Charlie Kushner to families in need that he has never publicly disclosed, acts of kindness he did not participate in for credit or reward, but which have always been a very important part of his life, perhaps the most important part.

humiliation for his crimes. Counsel pleaded with Charlie to allow us to at least try to balance the record of his terrible behavior with disclosure of the heroic efforts he has undertaken so many times to rescue so many people in need.

Ultimately, many of the people who Charlie helped, came forward themselves and pleaded with Charlie and his lawyers to allow them to tell the Court their own Charlie Kushner story, so that in some way they could show gratitude for the wonderful man who came to their rescue in their own time of severe grief, crisis or despair.

Although with great reluctance, Mr. Kushner allowed counsel to proceed in gathering the letters and in filing this Memorandum, with the understanding that every effort would be made to preserve the dignity and privacy of the hundreds of people who came forward to share their story, a story of how "Charlie" as he is known to everyone, helped them, saved their children, created jobs for people in need and never ever turned away anyone who needed his help, whether a close friend or a total stranger.

The information contained in this Memorandum, is very hard to describe. We cannot even attempt to explain it or formally introduce the

passages from the many letters we cite from, as they all speak with a simple eloquence that comes straight from the hearts of so many who simply needed to tell your Honor about a man who paid for an operation; educated a child; provided assistance to those with severe handicap or disability; or as in the case of so many, simply took the time to treat them humanely, with deep compassion. It is only fitting we submit that those to whom Charlie so eagerly extended compassion, should be his advocates in a plea for your Honor to extend compassion to him.

With great respect, in the pages that follow, we allow the letters themselves to tell this truly fascinating story. The very moving tale of Charlie Kushner and his amazing adventure into a world of compassion, healing and care.

We pray that these materials are accepted by your Honor in the pious, respectful and dignified manner in which they are intended. We pray that your Honor recognizes, as we have, that it would have been wrong to keep these materials from a sentencing Court that must decide the fate of Charles Kushner, a complicated man who, despite his flaws, has done as much good for mankind than most other private citizens.

By addressing your Honor not with the words of experienced advocates, but through the painful eloquence of ordinary citizens we believe that your Honor, like each of us, will be honestly and very deeply moved.